

**TOWN OF NEW ASHFORD  
BY-LAWS**

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## **CHAPTER 1 GENERAL PROVISIONS**

**Section 1.** The following provisions shall constitute the general Town By-laws, of the Town of New Ashford, and shall be in lieu of all By-laws heretofore in force and the same are hereby repealed.

**Section 2.** The repeal of a Town By-law shall not thereby have the effect of reviving any By-law theretofore repealed.

**Section 3.** Words and phrases specifying or naming any Officer, Board, or Committee of the Town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such Officer, Board, or Committee.

**Section 4.** When in a Town By-law anything is prohibited from being done without the license or permission of a certain Officer, Board, or Committee. Such Officer, Board, or Committee shall have the right to license or permit such thing to be done.

**Section 5.** Any and all of these By-laws may be repealed or amended or additional By-laws may be adopted at any Town Meeting.

**Section 6.** Whoever violates any of the provisions of these By-laws where by any act or thing is enjoined or prohibited, shall unless other provision is expressly made, either by By-law or by Statute, forfeit and pay a fine not exceeding three hundred dollars (\$300) for each offense.

## **CHAPTER II TOWN MEETINGS**

**Section 1.** The Annual Town Meeting will be set for the third Tuesday of May unless otherwise set by the Board of Selectmen for the transaction of all business except the election of such Officers and the determination of such matters as required to be elected or determined by ballot.

**Section 2.** The Annual Town Caucus will be set for the third Tuesday in April unless otherwise set for the purpose of nominating candidates to fill the positions of such Town Officers as required by law to be elected.

**Section 3.** The Annual Town Election will be set for the fourth Tuesday in May unless otherwise set for such Town Officers or other Officers required by law to be elected and for the determination of a matter to be voted for on a ballot as required by law.

**Section 4.** Warning of every Town Meeting shall be given by posting of attested copies of the Warrant in at least two (2) public places in the Town of New Ashford not less than seven (7) days before the day fixed for such Annual Meeting, and not less than fourteen (14) days before the day fixed for a special Town Meeting.

**Section 5.** The Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.

**Section 6.** When a question is put, the sense of the meeting shall be determined by the voices of the voters and the Moderator shall declare the votes as it appears to him/her. If the Moderator is unable to decide the vote by the sound of voices, or his/her decision is immediately questioned by seven (7) or more voters or 25 percent present at the meeting, he/she shall determine the vote by polling or division and he/she may appoint tellers to make and return the count.

**Section 7.** The meeting may order that the vote upon any motion shall be taken by written ballot.

**Section 8.** No person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice without first obtaining permission to have leave of the meeting except that, in either case, with the approval of the Moderator, a person may speak again briefly to correct an error or misunderstanding resulting from his/her previous statement.

**Section 9.** No motion, the effect of which would be to dissolve the meeting, shall be in order until every Article in the Warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any Article to adjournment of the meeting at a later stated time and place, or indefinite postponement, tabling or passing over any matter.

**Section 10.** On proposed Amendments involving sums of money, the last Amendment shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any preceding Amendment.

**Section 11.** The proceedings of the Town Meetings shall be governed by the rules of parliamentary procedure contained in Robert’s Rules of Order Revised, as the same may be revised from time to time, unless another provision is made by Statute or by these By-laws.

**Section 12.** It shall be the duty of every citizen of the Town seeking recognition to speak at a Town Meeting to have attempted in advance of the Town Meeting to inform him/herself regarding the Warrant Article under consideration. On any Warrant Article on which a public hearing has not been held, the appropriate Town Agency shall schedule a time and place at which information with respect to said Article shall be furnished in advance of the meeting.

**Section 13.** The Moderator shall first recognize the proponent of the main motion under each Article in the Warrant unless the maker of any other motion is offering a procedural motion or for the previous question.  
The Moderator shall recognize any non-resident or minor, provided the Town Meeting so authorizes.

**Section 14.** Unless granted an extension of time by vote of the meeting, the individual speaking as the initial proponent on a main motion shall not speak for more than ten (10) minutes. Subsequently, any person speaking on any motion shall not speak for more than five (5) minutes unless granted an extension of time by the meeting. No person shall receive more than one (1) extension of time on any pending motion, but this extension shall be for whatever time is voted by Town Meeting.

**Section 15.** Upon a motion to lay on the table, not more than ten (10) minutes shall be allowed for debate, and no person shall speak thereon more than three (3) minutes.

**Section 16.** If a motion is susceptible of division, it shall be divided and the question put separately upon each part thereof if ten (10) Town Meeting members so request, or the Moderator, in his/her discretion, so directs.

**Section 17.** A motion for reconsideration is a main motion and may be offered at anytime when no other motion is pending. If a motion reconsideration is made, it shall be the first order of business at the next adjourned session of the Town Meeting. If no adjourned session is ordered, pending motions for reconsideration we shall be placed before the Town meeting immediately prior to acceptance by the Chair of a motion for dissolution of the Town Meeting. Favorable action on a motion for reconsideration shall require a two-thirds vote. Action on a motion for reconsideration may be postponed by a majority vote. A subsection of the main motion under an Article may be reconsidered without first opening the main motion under the Article. Not more than one (1) motion for reconsideration on the same subject shall be in order.

**Section 18.** All Boards and Committees shall without delay, after the Town election, elect a Chairman, Vice Chairman, Clerk or Secretary, and give notice in writing of such election results to the Town Clerk.

**Section 19.** All Committees shall report as directed and, in no case, latter than the Annual Town Meeting succeeding the meeting at which the Committee was originally designated and all Committees shall be dissolved at such succeeding Annual Meeting unless extended thereat by vote of the meeting or a later date for reporting was set in the original vote authorizing the Committee.

**Section 20.** Public hearings on Warrant Articles are held for the purpose of informing the Town Meeting members and interested citizens.

- The proponent of each Warrant Article shall prepare or cause to be prepared the motion as it is to be presented, prepare a supporting report, and cause copies of each to be made available to Town Meeting members at the require public hearing. If requested, the Board of Selectmen shall provide, or shall cause to be provided, assistance with the preparation of the formal motion.
- Absence of a timely supporting report shall preclude any consideration of the Warrant Article by the Town Meeting until such report is made available to members unless otherwise voted by a majority vote of the Town Meeting.
- Any Warrant Articles requiring appropriation shall be deemed to fulfill the reporting requirements of Section 9 if covered by the Finance Committee report to the Town Meeting with the following exceptions:
  - Finance Committee recommendation is deferred pending receipt of more specific information.
  - Motions for acceptance and appropriation for collective bargaining agreements. Such motions shall require the Statutory Bargaining Authority to prepare a written report as provided in Section 20.

## **CHAPTER III TOWN OFFICERS**

**Section 1.** The elected Officers of the Town shall be (3) Selectmen, a Clerk and Treasurer, one (1) Assessor, a Collector of Taxes, a Tree Warden, three (3) School Committee members, three (3) Board of Health members, three (3) Library Trustees, a Moderator, one (1) Auditor, five (5) Members of the Planning Board as provided by Chapter 41, Section 81A, of the General Laws. Members of the Planning Board shall be elected for a five (5) year term. Members of the Board of Selectmen, Board of Assessors, Board of Health, School Committee, Auditor, Library Trustees, Tax Collector, Clerk and Treasurer shall be elected for three (3) year terms. All others shall be elected for one (1) year terms.

**Section 2.** The Annual Town Election to fill elected Town Offices, shall be held on the last Tuesday of May.

**Section 3.** During all Annual Town Elections and any special Town elections, the polls shall be open between 2 – 4 p.m. and 6 – 8 p.m., at which time they will close subject to the following. The Officer in charge of each polling place shall at 8 p.m. determine the voter last arrived before then, shall record his/her name, and shall permit him/her and any voters who had arrived at the polling place and had remained in line before him/her to vote.

**Section 4.** The Finance Committee shall consider matters relating to the appropriation, the borrowing and expenditure of money by the Town, and may make recommendations to the Town or to any Officer, Board, Commission or Committee relative to municipal fiscal affairs. It shall be the duty of the Finance Committee to make an Annual Report of its activities, with appropriation recommendations to the Selectmen, to be included in the Annual Town Report.

**Section 5.** The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law and/or these By-laws.

**Section 6.** It shall be the duty of the Town Clerk to notify immediately in writing all members of Committees who have been elected or appointed, stating the business upon which they are to act and the names of the persons composing the Committees, and also to notify all Officers, Boards and Committees, of all votes passed at any Town Meeting affecting them. The Selectmen shall act as the Financial Committee for the Town of New Ashford. The Selectmen shall act as Council on Aging. The Selectmen shall act as the Sexual Harassment Hearing Board.

**CHAPTER IV  
FINANCIAL AFFAIRS OF THE TOWN**

**Section 1.** Each Officer, Board or Committee authorized to spend money shall, on or before June 30<sup>th</sup> of each year, transmit to the Town Accountant all unpaid bills outstanding for the fiscal year to be paid.

**Section 2.** The Collector of Taxes shall have all the means of collecting taxes that the Treasurer would have if he/she were to be appointed Collector of Taxes.

**Section 3.** The Collector of Taxes shall collect under the title of Town Collector all accounts due the Town, except interest on investments of trust funds, fees for licenses and permits issued or granted by the various departments of the Town, or other accounts otherwise provided by law.

**Section 4.** The Town Collector shall report to the Selectmen from time to time, as he/she may direct, upon all uncollected accounts, in his/her hands. The Selectmen shall take such action with respect to all such accounts as they deem expedient and consistent with the interest of the Town.

**Section 5.** The Town Collector shall, or any other Town Officer, at least once each month, remit to the Town Treasurer all money received by him/her on every such account.

**Section 6.** The Town Treasurer shall, at least once a month, deposit in a bank, trust company or regulated and insured bank depository all money in his/her possession, belonging to the Town.

**Section 7.** Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bonds given by the Treasurer and Collector of Taxes to the Town shall be in the custody of the Selectmen.

**Section 8.** Every Officer shall turn over to the Treasurer of the Town all amounts received by him/her on behalf of the Town, except as otherwise provided by law and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

**Section 9.** The Town Accountant or Auditor shall prescribe the methods of accounting and the forms to be used by the several Boards, Committees and Disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or any rules or regulations made thereunder.

**Section 10.** All funds, monies, securities or other things of value which are or have been given, bequeathed or deposited in trust with the Town Treasurer in accordance with Chapter 44, Section 54 of the General Laws, or otherwise for the preservation, care, improvement or embellishment of Town Cemetery, or of burial lots therein, shall be kept separate from other funds, monies, securities and assets of the Town, and separate accounts shall be kept for the same.

**Section 11.** The Selectmen shall appoint a Chief Procurement Officer, and no purchases shall be made without his/her authorization, except in cases of emergency.



## **CHAPTER V CONTRACTS BY TOWN OFFICERS**

**Section 1.** No Officer of the Town shall in his/her official capacity make or pass upon, or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the Town is interested and in which such Officer has any personal financial interest.

**Section 2.** No Town Officer and no salaried employee of the Town or any agent of such Officer or employee, shall receive any compensation for work done by him/her for the Town, except his/her official salary and fees allowed by law, without the permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

**Section 3.** No contract involving an obligation of the Town in excess of five hundred dollars (\$500) shall be binding upon the Town unless it is in writing and is signed by at least a majority of the Board or Committee duly authorized or having control of the appropriation against which such obligation is incurred, and such Board or Committee shall make a record of every such contract in a book which shall be the property of the Town.

**Section 4.** Every contract exceeding ten thousand dollars (\$10,000) shall be accompanied by a suitable bond for the performance of the same or by the deposit of money or security to the amount of such bond.

**Section 5.** No Board or Officer shall make any contract on behalf of the Town in execution of which shall necessarily extend beyond one (1) year from the date thereof, except as otherwise provided by law, unless specific authority to do so has been give by vote of the Town.

**Section 6.** Every contract exceeding ten thousand dollars (\$10,000) made on behalf of the Town shall be made only after advertising for and receiving sealed bids. Such advertisement shall be made in the newspaper published in the county and having a circulation in the Town at least fourteen (14) days before the date of said bids. All quotations and bids presented to the Town for review, shall for Massachusetts General Laws and shall be presented for review to said Board for consideration, all bids and quotations from the sum of one dollar (\$1) to the sum of one thousand dollars (\$1,000) can be, but not limited to three (3) telephone quotations completed in full on a Massachusetts Telephone Quote Solicitation form. All sums in excess of one thousand dollars (\$1,000) shall be in written bid forms.

## **CHAPTER VI LEGAL AFFAIRS**

**Section 1.** The Selectmen shall be agents of the Town to institute, prosecute and defend any and all claims, actions and proceedings to which the Town is party or in which the interests of the Town may be involved.

**Section 2.** The Selectmen may at their discretion compromise or settle any claim or suit to which the Town is a party, which does not require payment by the Town of an amount in excess of one thousand dollars (\$1,000), with the approval of the Town Counsel. No settlement of a claim or suit obligating the Town in an amount in excess of one thousand dollars (\$1,000) shall be made, except as authorized by law, without consent at the Town Meeting.

**Section 3.** The Selectmen shall, in their Annual Report, state what actions have been brought against the Town, what cases have been compromised or settled, and the current standing of all suits involving the Town or any of its interests.

**Section 4.** The Selectmen shall annually appoint a Town Counsel after final adjournment of the Annual Town Meeting, to serve as Town Counsel for the term of one (1) year from the first day of July following and until his/her successor is appointed and enters upon the performances of his/her duties. They shall likewise fill any vacancy of said Officer for the unexpired term, and be able to employ Special Counsel to assist the said Town Counsel whenever, in their judgment, necessity arises.

**Section 5.** It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise claims, actions and proceedings to which the Town is a party, and the prosecutions of actions or proceedings by or on behalf of any Town Officer, Board, or Committee as such; to conduct the defense of any action or proceedings brought against any Town Officer, Board or Committee as such when the Selectmen, having determined that any right or interest of the Town are or may be involved therein, shall request to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any By-law of the Town, when requested to do so by the Board of Office enforcing same; to examine and report upon titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved; to appear at any and all hearings on behalf of the Town whenever his/her services may be required; and generally to advise and act for the Town Officers, Boards and Committees upon an in legal matters touching the duties of their respective offices.

**Section 6.** The Town will accept the provisions of Section 13, Chapter 258 of the Massachusetts General Laws, which provide that the Town indemnify and save harmless Municipal Officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars (\$1,000,000) arising out of any claim, demand, suit or judgment by reason of any act or omission except an intentional violation of civil rights of any person under any law, if the Officer at the time of such act or omission was acting within the scope of his/her official duties or employment.

**Section 7.** In accordance with Massachusetts General Laws, the Board of Selectmen shall act as the Sexual Harassment Board. The Board shall annually appoint one of its members as the Sexual Harassment Officer for the Town and all sexual harassment claims shall be presented to said Officer and said Officer shall report such claims to Town Counsel.

## **CHAPTER VII RECORDS AND REPORTS**

**Section 1.** All Officers, Boards and Committees of the Town shall cause records of their doing and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices, and shall not be removed therefrom, unless said books are required to be in the care and custody of the Town official for the purpose of day to day use when said official has the approval of the Board of Selectmen to operate from a place other than the Town offices. Said books shall, unless otherwise provided by law be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the Officer, Board or Committee having custody thereof. Originals will be kept in Town Hall records, while copies only to be kept by Board members unless authorized by Chairman of each Board.

**Section 2.** All Officers, Boards, standing Committees and special Committees of the Town, having charge of the expenditure of Town money, shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for the inclusion in the Annual Town Report on or before the thirtieth (30) day prior to the Town Annual Meeting, and such reports shall be given to the Town Clerk in their original form for inclusion to the Annual Town Report.

**Section 3.** The Annual Town Report shall contain, in addition to the reports of the Officers, Boards and Committees as hereinbefore provided, a detailed report of all monies received into and paid out of the Town Treasury in the financial year next preceding, showing separately, payments made from the proceeds of loans as capital outlays for the permanent improvements; the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of liabilities of the Town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purposes thereof, a statement of transfers made to or from any appropriation; abstracts of records of meetings of the Town held since publication of the last Annual Report; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law. The Town Clerk shall have available to any resident a copy of the Annual Report fourteen (14) days prior to Annual Town Meeting.

**Section 4.** All Boards, Officers, standing Committees and special Committees of the Town, having charge to conduct legal business, shall record with the Town Clerk within thirty (30) days after the Meeting or in the case of bi-monthly, before next meeting, all minutes of all meetings that have been legally held for such purpose as to conduct Town business. All agreements, special contracts, contracts, documents indicating and or certifying the agreement of said Board, Officer, Committee or special Committee shall within thirty (30) days, file the original agreements, or any other pertinent documents with the Town Clerk. The Town Clerk shall, as prescribed by lawfully attest and file the appropriate documents and legal agreements to be filed and or registered as required by law.

## **CHAPTER VIII BUILDINGS AND SANITATION INSPECTIONS**

**Section 1.** The Board of Selectmen shall appoint a Building Inspector to assist them in investigating requests for building permits, or other permits as required by the By-laws.

**Section 2.** The Building Inspector shall be the Enforcing Agent and the Code Enforcement Officer for compliance of all codes as set forth by the By-laws, local and state codes, and will work in conjunction with any all Town Boards.

**Section 3.** Whoever violates any provisions of these By-laws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars (\$300).

**Section 4.** Whoever violates any provision of these By-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violation of any rule or regulation of any municipal Officer, Board or Department which is subject to a specific penalty.

**Section 5.** Without intending to limit the generality of the foregoing, it is the intention of this provision that the following By-laws and sections of By-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to Police Officers, who shall in all cases be considered “enforcing persons” for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be “enforcing persons” for such sections: each day on which any violation exists shall be deemed to be a separate offense.

**Section 6.** The Town of New Ashford may deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any Board, Officer, or Department to any person, corporation or business enterprise who has neglected or refused to pay and local taxes, fees, assessments, betterments or any other municipal charges.

- The Town Collector or other municipal Official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Town Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

- Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**Section 7.** Tax Collector – the Tax Collector of the Town of New Ashford elected pursuant to Section 1, Chapter 41 of the Massachusetts General Law.

Licensing Authority – each Board Commissioner, Department, Division or Official of the Town of New Ashford that issue licenses or permits including renewals and transfers.

**Section 8.** The Tax Collector shall annually furnish to each Licensing Authority a list of any person, corporation or business enterprise, hereinafter referred to as the “party”, that has neglected or refused to pay any local taxes, fees, month period, and that such party has not file in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

**Section 9.** The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing authority from the Tax Collector, as required by applicable provisions of law, and the party given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revision of such license denial, revocation or suspension shall be made only for the purpose of such proceedings shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Municipality as the date of issuance of said certificate.

**Section 10.** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**Section 11.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its Officers or Stockholders, if any, or members of his/her immediate family, as defined in Section 1, Chapter 268 in the business or activity conducted in or on said property.

**Section 12.** This Section shall not apply to the following licenses and permits; open burning, Section 13, Section 48; bicycle permits, Section 11A, Chapter 85; sales of articles for charitable purposes, Section 33, Chapter 101; children work permits, Section 69, Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E, Chapter 140; dog licenses, Section 137, Chapter 140; fishing, hunting, trapping licenses, Section 12, Chapter 131; marriage licenses, Section 28, Chapter 207; and theatrical events, public exhibition permits, Section 181, Chapter 140.

**Section 13.** No motor trailer used for residence purposes shall be parked within the limits of the Town other than in the duly authorized motor trailer parking lot, except with written permit issued by the Building Inspector (\$50 fine).

**Section 14.** Buildings or structures shall not be moved on public ways without a permit from the Selectmen (\$100 fine).

**Section 15.** No person, without first having obtained a written permit from the Board of Selectmen, shall:

- engage in door-to-door selling or merchandise, services or publications of a non-religious nature, or
- engage in the passing, distribution or delivering of handbills, or
- operate a sound truck on the streets, or
- advertise upon the public ways by means of placards or so called sandwich signs (\$50 fine) except for “not-for profit” agencies.

**Section 16.** No person shall remove any soil, loam, sand or gravel from any land in the Town not in public use unless such removal is authorized by a permit issued by the Planning Board, except in conjunction with the construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and gravel pit. No such permit shall be issued until an application therefor is filed with said Board. Said Board shall hold a public hearing on the application and notice of the filing of such application and the date and time of the public hearing thereon shall be advertised in a paper published in a the county seven (7) days before the public hearing. The above restriction shall not be construed to prevent any person from moving any soil, loam, sand or gravel on his/her property for farming or horticulture purposes, in the course of ordinary use.

**Section 17.** No person shall, within the town of New Ashford, deal in or harbor for sale junk or old metals in a business or industrial district, unless licensed by the Board of Selectmen, as provided by Statute, and only after a public hearing has been held.

**Section 18.** No person shall, in a “residence district”, allow to accumulate, harbor or dismantle for sale, old metals, all types of unused machinery or assorted items in a state of disrepair otherwise known as junk, which may be hazardous, injurious or obnoxious to the neighborhood, except those vehicles or machinery used for legitimate purposes (\$50 fine).

**Section 19.** The Selectmen shall annually after final adjournment of the Annual Town Meeting, appoint an Inspector of Gas Piping and Gas Appliances, in buildings, who shall be a licensed plumber or licensed gas fitter, and whose duty shall be the enforcement of the rules and regulations adopted by the Board.

**Section 20.** No person shall deposit, cast or throw into any river, brook or watercourse in the Town or in a bed thereof, or on or onto the banks adjacent thereto, any refuse, ashes, garbage, offal or any junked or discarded articles (\$100 fine).

**Section 21.** The Town, in order to recycle as much as possible of the solid waste generated within the Town, authorizes the Board of Health to adopt rules and regulations to require everyone in Town to separate recyclable material from their solid waste and to dispose of the recyclable materials in accordance with said rules and regulations. For the purposes of the By-law the term “recyclable” shall mean: glass, paper, metal, as well as any other material the Board of Health may determine can be recycled. The Board of Health shall have the authority to add, alter or delete items to be separated as markets for recycled goods change. The Board of Health may set a fine not to exceed two hundred dollars (\$200) for each violation of the By-law. Recycling is limited to residents of the Town only.



## **CHAPTER IX STREETS AND HIGHWAYS**

**Section 1.** No person shall make any excavation in any public way, or remove earth, trees or gravel therefrom, without first having obtained the written permit therefor from the Road Commissioner. No person shall deposit or sweep snow or rubbish into or across any public way.

**Section 2.** All new driveways or change of location of existing driveways shall require a permit from the Planning Board, prior to issuance of which, approval of the Road Commissioner must be obtained as to material, location and drainage.

**Section 3.** No culvert can be installed without written approval from the Planning Board, prior to issuance of which, approval of the Road Commissioner must be obtained as to material, location and drainage of said culvert, and said culvert shall be installed at owners' expense.

**Section 4.** No person, unless he/she is the holder of a permit issued by the Board of Selectmen of these By-laws, and except in accordance with the terms and conditions of such permit, shall place an obstruction in any street or on any sidewalk within the Town and allow it to remain there, or allow shrubbery to overhang roadways so as to impede free passage of pedestrians and snow removal equipment.

**Section 5.** No person traveling on a street within the Town shall break or injure the surface thereof by the use of brakes, chains or other mechanism so applied to the wheels of any vehicle under his/her control as to cause said wheels to slide, slip or coast on said way.

**Section 6.** No person shall construct or relocate a driveway or access road from private property to a public way, or from private property to a way shown on an approved subdivision plan, without first having obtained written permit issued by the Board of Selectmen after approval by the Road Superintendent and the Tree Warden. Such permits shall be issued with due consideration of traffic hazards and drainage problems which may be created by the proposed driveway or access road. Any application for a driveway or access road of such length or grade that it may, in the judgment of the Selectmen, discharge a substantial volume of surface water on a public way or adjacent property, shall be accompanied by plans and specifications of the proposed drainage facilities as may be required by the Selectmen. Such facilities must be adequate for any anticipated storm runoff and so designed as to reduce, disperse and delay the runoff, or otherwise protect the traveled ways, drainage facilities and adjacent lands from flooding, erosion or siltation, and prevent the pollution of natural waterways.

**Section 7.** No person, other than an employee in the service of the Town, shall pile, push or plow snow onto a Town way so as to impede the flow of traffic on such way.

**Section 8.** No person shall in any manner cut or mutilate any tree, not his/her own, standing in any street or public place in the Town, nor shall any person tie or fasten any horse or other animal to any such tree.

**Section 9.** Any vehicle on a public way that interferes with the work or removing or plowing snow or removing ice therefrom may be removed with Massachusetts State Police approval to a convenient place and stored by or under the direction of the Director of Public Works or his/her designee. The Director of Public Works shall forthwith notify the Massachusetts State Police of any such vehicle and of the place to which it has been removed and stored.

**CHAPTER X  
MISCELLANEOUS PROVISIONS**

**Section 1.** All Officers, Boards or Departments may dispose of such personal property in their custody when they deem it advisable in the best interest of the Town, after such disposition shall be approved and authorized in writing by the Selectman. If, in the judgment of any Officer, Board or Department, the value of the property to be disposed of by sale exceeds one hundred dollars (\$100), the property shall be advertised in a newspaper published in the county and bids requested. Every Officer, Board or Department shall include in its Annual Report, a list of property so sold, the amount thereof and the name of the purchaser.

**Section 2.** All Officers, Boards or Departments must submit annually to the Selectmen a list of all property in their custody. This list is to reflect when purchases or transfers have been transacted during the current year. Said list to be filed in the Town office with the Town Clerk.

**Section 3.** The Selectmen shall cause copies of these By-laws, printed in pamphlet form, to be kept in the Town offices, where copies may be requested. Additional copies may be had upon payment of a nominal sum.

**CHAPTER XI  
AUTHORITIES AND DUTIES OF POLICE**

**Section 1.** The Board of Selectmen shall appoint a Chief of Police to serve a term of three (3) years.

**Section 2.** Constables shall be appointed by the Board of Selectmen for a three (3) year term. The number of Constables will not exceed six (6).

**Section 3.** It is the intent of the Town of New Ashford to maintain a minimum administrative position for the Chief of Police and Constables. It is also the intent of the Town to direct all life and safety issues and mandated enforcement issues, including motor vehicle issues to the Massachusetts State Police.

## **CHAPTER XII PARKING**

**Section 1.** No person shall allow, permit or suffer any vehicle registered in his/her name, other than one acting in an emergency, to be parked on any street for a period of time no longer than one (1) hour between the hours of 11 p.m. and 6 a.m. of any day from November 1 to April 1, or any other time the Road Commissioner deems appropriate for snow removal. Any vehicle parked on a public way which interferes with the work of removing snow or ice may be removed at the owner's expense as determined by the Road Commissioner or his/her designee.

## **CHAPTER XIII TOWN CEMETERY**

**Section 1.** The New Ashford Cemetery Commission is comprised of four (4) elected members who will serve a one (1) year term.

**Section 2.** The duties of the New Ashford Cemetery Commission are the general maintenance of the New Ashford Cemetery.

**Section 3.** Present or former residents of the Town of New Ashford, or those having family lineage to the Town, may be entitled to a burial plot at no charge.

**Section 4.** The Cemetery Commission and the Board of Selectmen shall adopt rules and regulations governing the cemetery.

**CHAPTER XIV  
SEPARABILITY**

**Section 1.** If any section or portion of any section of these By-laws shall be declared invalid, it shall not affect the validity of any other section or portion thereof.

**CHAPTER XV**  
**STREET NUMBERING OF HOUSES AND BUILDINGS**

**Section 1.** A uniform system for the numbering of all dwellings, houses or other major buildings now standing or hereafter to be erected and fronting on any public or private road, street, way, lane, alley or public or court, hereafter referred to as road, within the Town of New Ashford, Massachusetts, is hereby adopted and incorporated herein by reference and made a part of this By-law.

**Section 2.** Two separate numbers shall be reserved for each fifty (50) feet of frontage, with the odd numbers to be assigned as necessary to the left side of the road and the even numbers to be assigned as necessary to the right side. Measurement for such assignment of numbers shall be continuously from end to end of the road. In those cases where a building is occupied by more than one business or family dwelling unit, each separate unit shall be assigned a number. Motels will be assigned a separate number for each building.

The number assigned to each building shall be based on the distance from the start of the road to the center of the building or separate unit.

**Section 3.** Numerals indicating the official numbers for each building or separate unit shall be located on the side facing the road, and where possible immediately above, on, or at the side of the main entrance of each building or unit. Whenever any building or group of buildings are situated more than fifty (50) feet from the road line the number, or first and last numbers for the group, shall also be placed near the walk, driveway or common entrance upon a gate post, fence, tree or other appropriate place so as to be clearly discernible from the road.

**Section 4.** The numerals shall be not less than three (3) inches in height, made of durable materials, and of a color that is contrasting with the surrounding surface.

**Section 5.** It shall be the duty of the Chief of the Volunteer Fire Department, Town of New Ashford, to maintain the files and assign numbers to all dwellings, houses or other buildings now standing or hereafter to be erected and fronting on any street public or private way, lane, alley or public court within the Town. When any such structure shall hereafter be erected, the Building Inspector shall forthwith notify, in writing, the owner and occupant thereof the number assigned thereto.

The Town Assessor shall provide the Chief of the Volunteer Fire Department a copy of the current town maps and copies of all revisions within the thirty (30) days of the revision.

**Section 6.** Any owner or occupant of a building or unit who, after the expiration of ninety (90) days from the time when a notice in writing is delivered to such owner or occupant with reference to the placing and maintenance of the number or numbers assigned to such building or unit by the Chief of the Volunteer Fire Department, refuses, fails or neglects to comply with the provisions of this By-law, shall for each offense forfeit any pay a penalty or not less than ten dollars (\$10) nor more than twenty-five (\$25). Each separate month such violation is continued shall constitute a separate offense.

**Section 7.** The Building Inspector shall enforce this By-law.