

TOWN  
OF  
MIDDLEFIELD  
REGULAR  
BY-LAWS

*Revised 1987*

TOWN OF MIDDLEFIELD  
"1987 Edition"

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## **Chapter I: General Provisions**

SECTION 1. The following provisions shall constitute the General By-Laws of the Town of MIDDLEFIELD, and shall be in lieu of all By-Laws heretofore in force. Additions may be made or the By-Laws changed by a 2/3 vote of any annual Town Meeting) provided the proposed changes are specifically stated in the Warrant.

SECTION 2. These By-Laws, and the repeal of all other By-Laws now in effect, shall not affect any legal act done, any penalty or liability incurred, or any pending suit, prosecution, or proceeding. The repeal of a By-Law shall not thereby have the effect of reviving any By-Law theretofore repealed.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. The invalidity of any Section of any Chapter hereof shall not affect the validity of any other section.

SECTION 5. Any Town departments, commissions or functions not governed by these By-Laws are covered by pertinent provisions of the Massachusetts General Laws.

SECTION 6. Selectmen shall publish and distribute every five years the By-Laws of the Town in effect at that time.

## **Chapter II: Town Meetings**

SECTION 1. The Annual Town Meeting shall be held on the first Saturday in May.

SECTION 2. The Annual Town Meeting for the election of town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be considered.

SECTION 3. The polls shall be opened during hours prescribed by the Board of Selectmen and in compliance with applicable provisions of the Massachusetts General Laws.

SECTION 4. At least seven days before the day fixed in the Warrant for- the Annual Town Meeting, the Selectment shall cause to be made available copies of the Annual Town Report. In case of a Special Town Meeting the regular legal notice shall be fourteen days.

SECTION 5. Only persons registered to vote in the Town shall have a vote at the Town Meeting. Any other person may be allowed to attend and speak at the discretion of the Moderator.

SECTION 6. The numbers of voters necessary to constitute a quorum at any Annual Town Meeting shall be twelve people, and at any Special Town Meeting, provided, however, that a number less than a quorum from time to time adjourn the same.

SECTION 7. Notice of every Town Meeting shall be given by posting an attested copy of the Warrant calling the same in the Town Post Office and on another designated place in the center of Town on the bulletin board at the Middlefield Elementary School, on a designated place in the Bancroft section of the Town, and on a designated place in Smith Hollow, not less than seven days before the day appointed for the Annual Town Meeting, and not less than 14 days before the day appointed for a Special Town Meeting and the return of the officer stating the manner of notice shall be endorsed in the Warrant.

SECTION 8. Articles of the Warrant shall be acted upon in the order to which they appear unless otherwise determined by the Assembly.

SECTION 9. All motions having to do with the expenditure of money shall be presented in writing; other motions shall be in writing if so directed by the Moderator.

SECTION 10. When a question is put, the sense of the meeting shall be determined by a voice vote and the Moderator shall declare the vote as it appears to him. If his decision is doubted, or a division of the house is called for, the Moderator and Town Clerk count hands; if a ballot is called for, the Moderator appoints tellers to make and return the count.

SECTION 11. Any report, resolution or motion shall be reduced to writing if the Moderator so directs.

SECTION 12. All committees formed at the Town Meeting shall be appointed by the Moderator unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed by the town or at the next annual town meeting, it shall be deemed discharged, unless an extension of time be granted by the town.

SECTION 13. 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 or articles to an adjournment of the meetings at stated time and place.

SECTION 14. To be included in the Warrant for the Annual Town Meeting of any year, articles must be presented to the Selectmen not later than 45 days prior to Town Meeting.

SECTION 15. A petition signed by ten (10) registered voters will automatically be placed on the Warrant. Selectmen must receive this petition 45 days prior to Town Meeting.

## **Chapter III: Town Officers**

### **I. Selectmen**

SECTION 1. There shall be three Selectmen, one to be elected each year for a term of three years. The Selectmen shall, fill any vacancies on the Board of Selectmen by calling for a special election.

SECTION 2. The Selectmen shall cause to be printed and distributed annual reports of the town officers, appointees and committees. This report shall contain a statement of the financial condition of the town, together with a detailed report of all receipts and expenditures incurred during the preceding year.

SECTION 3. The Selectmen shall have full authority as agents of the town, acting upon the advice of counsel, to settle any claims or suits against the town which in their judgement cannot be successfully defended when the sum to be paid does not exceed one hundred dollars (\$100.00).

SECTION 4. The Selectmen may appear in the interests of the town, either personally or by counsel, before any court, committee of the legislature, or any state or county board or commission, they shall have full authority as agents of the town, acting upon the advice of counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the town, and to appear and defend any and all suits and legal proceedings against or involving the town's interests.

SECTION 5. The Selectmen shall make suitable regulations governing the police department and the officers thereof.

SECTION 6. The Selectmen shall in suitably bound ledgers keep a complete permanent record of all expenditures authorized by said board and such yearly expenditures shall be itemized and entered in the annual town report.

SECTION 7. The Selectmen shall appoint annually, or as specified, all Town Officers not required to be elected on the Official Ballot.

SECTION 8. If any member is absent from any Town board or committee meeting for three (3) consecutive meetings without an excuse valid to the chairman thereof, his position shall be deemed to be vacant, that fact certified to the Selectmen and the vacancy filled as herein provided.

SECTION 9. The Selectmen shall also act as the Board of Health, Board of Public Welfare, and Fence Viewers.

SECTION 10. The Selectmen shall give a proposed budget to the Finance Committee by February 15 for their review and consideration.

## **II. Town Clerk**

SECTION 1. The Town Clerk shall be elected for a term of one year.

SECTION 2. The Town Clerk shall keep and cause to be permanently bound one or more files of the town reports made up in a group for each decade.

SECTION 3. The Town Clerk shall not allow original papers or documents of the town to be taken from his office, except as they remain in his custody, or by authority of law.

SECTION 4. It shall be the duty of the Town Clerk as soon as possible after every Town Meeting, to notify in writing all members of committee who may be elected or appointed at such meeting stating the business on 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 articles passed at such meeting that in any way affect them.

SECTION 7. The bonds of the Treasurer, the Assistant Treasurer, Tax Collector, and Town Clerk shall be in the custody of the Town Clerk.

## **III. Treasurer**

SECTION 1. The Treasurer shall be elected for a term of three years.

SECTION 2. The Treasurer shall be responsible for all deeds and insurance policies belonging to the town, except the bonds of the Treasurer which are the responsibility of the Town Clerk.

SECTION 3. The Treasurer shall make an annual report which shall contain a statement of the monies received and paid out by him/her during the year.

SECTION 4. The Treasurer shall keep in suitably bound ledgers permanent records of all monies received and expended.

## **IV. Finance Committee**

SECTION 1. There shall be a Finance Committee consisting of five (5) members each elected for a term of three years on a rotating basis. The members of this Committee shall be sworn to the faithful performance of their duties, shall choose their own officers and shall serve without pay. A true record shall be kept of the Committee's proceedings.

SECTION 2. All articles in any Warrant referring to appropriation of money shall be referred to the Finance Committee for its consideration. The Committee may make its recommendations for the same to the Selectmen not later than 45 days prior to Town Meeting.

SECTION 3. The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness, the administration of its various offices and departments, and may make recommendations to the Town or to any board, officers or committee relative to municipal fiscal affairs. It shall be the duty of the Committee to make an annual report of its activities, with appropriate recommendations to the Selectmen.

SECTION 4. The Finance Committee shall present a budget to the Selectmen for the annual Town Meeting by March 1.

SECTION 5. The Finance Committee shall present a report to the Town of a 3 year financial plan based upon school population changes, general population changes, building, equipment, and personnel needs.

## **V. Moderator**

SECTION 1. A Moderator shall be elected on the Official Ballot each year for a term of one year. The Moderator conducts all Town Meetings and is responsible for maintaining the order and decorum of the meetings and proceedings.

## **VI. Collector of Taxes**

SECTION 1. A Collector of Taxes, shall be elected for a term of three years, is responsible for the collection of taxes and must abide by the General Law of Mass. Chapter 60, "Collection of Local Tax".

## **VII. Board of Assessors**

SECTION 1. The Board of Assessors shall consist of three members, one to be elected each year for a term of three years. The Board is responsible for assessing all real property at full fair market value, they are also responsible for establishing the annual tax rate, and for providing a commitment for the collection of all taxes to the tax collector. They must maintain full and complete property tax records and guarantee access to all citizens of these records.

## **VIII. The School Committee**

SECTION 1. The School Committee shall consist of members in accordance with the regional agreement who will represent the Town on the Gateway Regional School Committee. They are to be elected in alternate years for a term of three years each. The Committee is responsible for representing the Town in determining the expenditures and educational policies of the Regional School District. The committee will monitor the intention of the District Administration regarding the Middlefield School building contracts and usage and advise the Selectmen of their findings.

## **IX. Planning Board**

SECTION 1. A Planning Board of five members shall be elected on the Official Ballot, two each year for a term of three years and one for a term of three years., It shall be the duty of the Board to make a study of the future needs of the town and develop a long range program subject to future change, having due regard to a balance between the liberties of the individuals and the welfare of the community. The Board shall make recommendations pertaining to the laying out of private and public roads; development of real estate subdivisions, future sites for schools, playgrounds, parks, water supplies, sewage disposal, police and fire protection, zoning and locations, and all other subjects of general interest which affect the welfare, health and safety of the inhabitants relative to the possibilities, resources and needs of the Town.

## **X. Zoning Board of Appeals**

SECTION 1. The Zoning Board of Appeals shall consist of three members; one to be elected each year for a term of three years. The Board is responsible to hold hearings on all appeals for zoning variances and to determine the outcome. Alternates to the Zoning Board of Appeals will be appointed by the Board of Selectmen.

## **XI. Auditor**

SECTION 1. There shall be on auditor elected each year for a term of one year. The auditor shall examine the books and accounts of all Town officers and committees entrusted with the receipt, custody, or expenditure of monies and all original bills and vouchers on which monies have been or may be paid from its treasury.

## **XII. Constable**

SECTION 1. There shall be two constables elected for a term of three years. The Constables shall be responsible to serve all warrants and to attest that they are posting on a certain date.

## **XIII. Tree Warden**

SECTION 1. There shall be a tree warden elected each year for the term of one year. The Tree Warden is responsible for removal of dangerous trees within the Town Right of Way on all Town Roads. Tree Warden work shall be coordinated with the Selectmen.

## **XIV. Library Trustee**

SECTION 1. There shall be three library trustees, one to be elected each year for the term of three, years. The Trustees are responsible for appointing a librarian, and assisting in the duties of the library.

## **XV. Cemetary Commissioner**

SECTION 1. There shall be three cemetery commissioners, one to be elected each year for the term of three years. The Commissioners are responsible for all operations and maintenance at the cemeteries.

## **XVI. Conservation Commission**

SECTION 1. There shall be a Conservation Commission consisting of five members each appointed by the Selectmen for a term of three years on a rotating basis. The commission will be responsible for all environmental issues as well as conserving the natural resources of the Town.

## **XVII. Historical Commission**

SECTION 1. There shall be a Historical Commission consisting of five members, each appointed by the Selectmen for a term of three years on a rotating basis. The Commission is responsible for special projects determined by the the Commission and/or the Selectmen such as the restoration of Town property and special town events.

## **XVIII. Administrative Assistant to the Selectmen**

SECTION 1. A Town Administrative Assistant will be appointed by the Selectmen for a one year term, responsibilities will be defined by the Selectmen.

## **XIX. Police Chief**

SECTION 1. A Police Chief will be appointed by the Selectmen for a one year term. The Selectmen are responsible for the public safety administration activities. The Police Officers appointed by the Police Chief are subject to the approval of the Selectmen.

## **XX. Fire Chief/Forest Warden**

SECTION 1. The Fire Chief/Forest Warden will be appointed by the Selectmen for a one year term. Responsibilities include directing the fire department, its volunteers, and assuring that all fire fighting equipment is in good working order.

## **XXI. Superintendent of Streets**

SECTION 1. The Superintendent of Streets will be appointed by the Selectmen for a term of one year. The Superintendent will receive directions from the Selectmen. He is responsible for the use and maintenance for Town equipment.

## **XXII. Council on Aging**

SECTION 1. Council on Aging will consist of at least 5 members appointed by the Selectmen for a period of one year. They are responsible for developing and coordinating any services and activities for the elderly including those supported by the Commonwealth.

## **XXIII. Arts Council**

SECTION 1. The Arts Council will consist of at least 5 members appointed by the Selectmen for a one year. The Council will encourage art-related projects by individuals.

## **Chapter IV: Zoning**

See “Town of Middlefield, Massachusetts Zoning By-Law” Revised 1986 and printed in a separate booklet.

### **Article I: Building Code**

Refer to State Building Code - effective 1/1/75.

(1) Fee schedule may be obtained from the Building Inspector or Board of Selectmen.

(2) Disposition of fee. A fee for each building permit which requires a fee shall be paid to the Town of Middlefield in accordance with the established fee schedule.

### **Article II: Powers and Authority of Inspectors**

SECTION 1. The Building Inspector, who will be appointed by the Selectmen, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this bylaw. All permits must be obtained from the Building Inspector.

SECTION 2. The Building Inspector shall also be the Board of Health agent for observing percolation tests and septic disposal systems.

SECTION 3. Season for percolation tests is April 1 (if frost is out of the ground) to June 15, and can be extended by the Board of Selectmen acting as the Board of Health.

### **Article III: Penalties**

SECTION 1. Any person found to be violating any provision of these bylaws shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person who shall continue any violation beyond the time limit shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty dollars (\$20.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person violating any of the provisions of these bylaws shall become liable to the Town for any expenses loss, or damage occasioned the Town by research of such violation.

### **Article IV: Validity**

SECTION 1. All bylaws or parts of bylaws in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any sections clause, sentences or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

## **Chapter V: Financial Affairs**

SECTION 1. An Audit of the accounts of the Town shall be made under the supervision of the State Division of Accounts, as provided by Section 35, Chapter 44, General Laws.

SECTION 2. Each officer, board or committee authorized to spend money shall transmit to the Secretary of the Selectmen unpaid bills for the approval by the Selectmen.

SECTION 3. Except as otherwise provided by law, the Town Clerk shall have custody of Investment Bonds, Blasting Bonds, Deeds, Contracts, Bonds of Performance, Treasurer's, Tax Collector's, and Town Clerk's Bonds; Insurance Policies, and similar instruments in possession of the town.

SECTION 4. Every officer shall each month pay in to the Treasury of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law. All departments

shall make a true return of such funds to the Town Accountant, stating the accounts upon which said amounts were received.

SECTION 5. Any Board or Committee shall ask for three or more bids on any purchase or contract of two thousand dollars (\$2,000.00) or more, and they shall be opened and read in public.

SECTION 6. Any Board or Committee shall give at least fourteen days Public Notice asking for bids on any asset to be sold by the Town and all bids shall be opened and read in public.

## **Chapter VI: Contracts**

SECTION 1. No officer of the Town shall, in his official capacity, except by and with the approval of the Selectmen, make or pass upon or participate in making or passing upon, any sale, contract, 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, direct or indirect.

SECTION 2. No contract shall be awarded for any work or service to be performed for the town, and no purchase of materials, supplies or equipment shall be made, the estimated cost of which is Four Thousand Dollars (\$4,000) or more, unless competitive bids have been invited by advertising at least twice in a newspaper of general circulation in the town. The Selectmen may exempt a purchase or contract from any or all of the provisions of this section when, in their opinion, an emergency exists requiring immediate action to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or contracted for. Evidence indicating that such an emergency exists, or that no reasonable substitute for a purchase or a service can be obtained, shall be furnished in writing by the Selectmen, and shall be kept on file with other records of such transactions.

## **Chapter VII: Legal Affairs**

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

SECTION 2. The Selectmen may appear either personally or by the Town Counsel, or by Special Counsel duly employed, before any court, committee or legislative body, or any state or county board or commission, to protect the interest of the town, but are not authorized, except as otherwise provided by law to commit the Town or any of its interests. No settlement of any claim or suit obligating the Town in excess of One Thousand Dollars (\$1,000) shall be made, except as authorized by law, without the consent of Town Meeting.

SECTION 3. The Town shall assume all legal fees and judgements incurred by elected or appointed officials if they sued as a result of their performance of their duties.

## **Chapter VIII: Records and Reports**

SECTION 1. All officers, boards and committees shall conduct all meetings in a public building and shall cause records of their doings 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 moved therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer) board or committee having custody thereof.

SECTION 2. All officers, boards and committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as will give the citizens a fair and full understanding of the objects and methods of such expenditures. Such reports shall be submitted to the Selectmen for inclusion in the annual Town Report.

## **Chapter IX: Miscellaneous Provisions**

SECTION 1. Buildings or structures shall not be moved on public ways without a permit from the Selectmen.

SECTION 2. No steel track tractor may be operated on any hard surfaced public way within the limits of the Town without a permit issued by the Board of Selectmen.

SECTION 3. No person, without first having obtained a written permit from the Board of Selectmen, shall:

- (a) Operate a business, or
- (b) Engage in door-to-door selling of merchandise, services or publications of a non-religious nature, or
- (c) Operate a sound truck on the streets, or
- (d) Advertise upon the public ways by means of placards or so-called sandwich signs.

SECTION 4. No person shall remove any soil, sand or gravel from any land in the Town unless such removal is authorized by the Selectmen, 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 therefore is filed with Board of Selectmen who shall hold a public hearing which shall be advertised in a paper at least seven 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 property for farming or horticultural puposes, in the course of ordinary use.

SECTION 5. Dog owners are required to restrain their dogs when they are not on the owners property. Hunting dogs when being used for hunting or training shall be exempt. Violators of this provision shall be subject to a fine, the amount of which will be set by the Selectmen.

SECTION 6. Owners of security systems that malfunction will be subject to fines, the amount of which will be set by the Selectmen.

SECTION 7. No person shall deposit, cast or throw in or into any river brook or watercourse in the Town, or the bed thereof, or on or onto the banks adjacent thereto, any refuse, ashes, garbage, offal or any junked or discarded articles. Whoever violates this section shall forfeit and pay to the use of the Town the sum of two hundred dollars (\$200.00) for each offense.

## **Chapter X: Penalties**

SECTION 1. Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding twenty dollars (\$20.00) for each offense, and each continuing day of such violation may be considered a separate offense.