

TOWN OF HARDWICK

GENERAL BY-LAWS



Draft

As of 1/21/2019

Hardwick Massachusetts

TABLE OF CONTENTS

Article I General Provisions

1. New Bylaws
2. Bylaw Repeal
3. Successors
4. Bylaw Replacement or Amendment

Article II Agricultural Commission

1. Establish an Agricultural Commission
2. Right-to Farm

Article III Animal Control Officer

1. Applicability of By-law
2. Animal Control Officer; Hearing Authority
3. Annual Dog and Kennel Licenses
4. Fees
5. Dog Control
6. Enforcement
7. Removal of Dog Waste

Article IV Board of Health

1. Non-Criminal Disposition
2. Public connection to Town Sewers

Article V Board of Selectmen

1. General Town Management
2. Execution of Deeds & Instruments
3. Annual Town Report
4. Monies
5. Impose & Enforce rules & regulations of Police Department
6. Selectmen to Appoint to Board of Sewer Committee Vacancy
7. Legal Affairs

Article VI Building Inspector

1. Swimming Pools
2. Department of Building Inspections
3. Unregistered Motor Vehicles
4. Street Numbering
5. Stretch Energy Code

Article VII Capitol Planning Committee

1. Definition
2. Duties
3. Capital Budget report
4. Capital Budget report Distribution

Article VIII Conservation Commission

1. Establish Commission
2. Wetland Protection Fund
3. Consultants
4. Consultant Fees
5. Conservation Commission Determination Fees

Article IX Contracts

1. Contract Prohibitions for Town Employees
2. Permission for Compensation, Commission by Town Employees

Article X Council on Aging

1. Number of Members & Duties

Article XI Finance Committee

1. Number of Members
2. Transition
3. Vacancies
4. Purpose
5. Duties
6. Make Financial Report in Annual Report
7. Recommendation on Articles at Town Meetings

Article XII Financial Affairs

1. Audit of Accounts
2. Deadline
3. Custody
4. Every Officer

Article XIII Fire Department

1. Hydrant Systems for Commercial & Industrial Users
2. Fire Protection Regulations Fire Alarm Systems

Hardwick Massachusetts

3. Control and Curtailment of signals emitted by alarms systems
4. Penalties
- 5.

Article XIV Highway Department

1. Highway surveyor
2. Curb/Cut Driveway Bylaw
3. Parking Motor Vehicles on Public Ways

Article XV Landfill

1. STM Landfill Cover Requirements
2. Landfill Height Limit
3. Solid Waste Facility Public Process

Article XVI Town Moderator (Presiding Officer)

1. All Motions
2. Town Meeting
3. Articles
4. Election of Moderator
5. Term
6. Rights
7. Division of Motions
8. Amendments Involving Money
9. Attorney
10. Vote Determination
11. Speaking Time
12. Motion to Dissolve the Meeting

Article XVII Non-Criminal Violations

1. Non-Criminal Violations
2. Board of Health
3. Building Department
4. Fire Department
5. Dog Violations
6. Violations of By-laws

Article XVIII Police Department

1. Public Alcohol Consumption
2. Diving from Bridges
3. Pedestrian right of Way
4. Transient Vendors and Hawkers and Peddlers

Hardwick Massachusetts

Article XIX Sewer Commission

1. Filling Vacancies
2. Public Connection to Town Sewers
3. Cross Connection Control Bylaw

Article XX Town Clerk

1. Conduct of Meetings; Minutes
2. Authority to Assign Appropriate Numbers to By-laws
3. Saturday Closings

Article XXI Town Collector

1. Authority
2. Suspension, Revocation and Denial of local licenses and permits
3. Due Dates of Fees

Article XXII Town Meeting

1. The Annual town meeting
2. Business
3. Warrants
4. The Financial Year
5. Committees Reports
6. Extensions

Special Acts of the Legislature for Town of Hardwick

Hardwick Massachusetts

ARTICLE I: GENERAL PROVISIONS

Section 1. The following provisions shall constitute the general by-laws of the Town of Hardwick, which shall be in lieu of all by-laws therefore in force.

Section 2. 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 their duties of such office, board, or committee.

Section 4. Any or all of these by-laws may be repealed or amended or other by-laws may be adopted at any town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting by the selectmen.

Hardwick Massachusetts

Article II Agriculture Commission

Section 1. Establish an Agricultural Commission

Said Commission once appointed shall serve as facilitators for encouraging the pursuit of agriculture in Hardwick; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, an/or negotiators on farming issues; Shall work for preservation of prime agricultural lands; and shall pursue all methods appropriate to creating a sustainable agricultural community.

The Commission shall consist of five members appointed by the Board of Selectmen, a minimum of three members who are primarily engaged in farming and two members who are interested in farming. The initial terms for the first members of such Commission shall be two members for a term of three years, two members for a term of two years, one member for a term of one year. Thereafter, the term of each member shall be three years. Up to three alternatives may be appointed by the Board of Selectmen, each for a one year term.

The Board of Selectmen shall fill any vacancy on said Commission for the unexpired term of the vacancy in order to maintain the cycle of appointments. The remaining members of said Commission may make recommendations of candidates to be appointed by the Board of Selectmen to fill any such vacancy.

ATM 6/11/2005 ARTICLE #39

Section 2. Right to Farm

Section 1. Legislative Purpose and Intent

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Hardwick by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. This By-law shall apply to all jurisdictional areas within the Town.

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including by not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; C 90, s 9, Chapter 111 Section 125A and C 128 s 1A.

We the citizens of Hardwick restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

Hardwick Massachusetts

Section 2. Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture or accessory thereto.

The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil
- Dairying
- Production, cultivation, growing, and harvesting of any agricultural, aquaculture, floricultural, viticultural or horticultural commodities.
- Growing and harvesting forest products upon forest land, any other forestry or lumbering operations
- Raising of livestock
- Keeping of horses as a commercial enterprise
- Keeping and raising poultry, swine, cattle, rarities (such as emus, ostriches and rheas) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to the following:

- Operation and transportation of slow-moving farm equipment over roads within the town
- Control of pests, including, but not limited to, weeds, insects, predators and disease organism of plants and animals
- Application of manure, fertilizers and pesticides
- Conduction agriculture related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output of the farm
- Processing and packaging of the agricultural output of the farm and the operation of a farmers market or farm stand including signage thereto;
- Maintenance, repair or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management or sale of the agricultural products and;
- On-farm relocation of earth and the clearing of ground for farming operations

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Hardwick. The above-described agricultural activities may occur on holidays, weekdays and weekends, by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with generally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is

Hardwick Massachusetts

more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Section 4. Disclosure Notification

In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Hardwick expressed in this By-law regarding agricultural uses, the following notification of this policy shall be prominently posted in the Municipal Building within 30 days of this bylaw becoming effective. Copies will also be made available for distribution.

“This notification is to inform persons and entities who are about to acquire or lease real property within the Town of Hardwick that it is the policy of the Town of Hardwick to conserve, protect and encourage the maintenance and improvement of the agricultural land, for the production of food and other agricultural products and for the preservation of its natural and ecological value. This notification is to further inform such owners and entities that farming activities, including the raising and keeping of livestock, take place in the town of Hardwick and that such activities may cause or create noise, dust and odors which adversely impact or are incompatible with the use or enjoyment of property within the Town, including the property about to be acquired or leased.”

Property owners should make efforts to inform prospective tenants or buyers that Hardwick is a Right to Farm community. In addition, the notification language required by this section shall appear annually in the Town’s Annual Report.

Section 5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing other available remedies, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall

Hardwick Massachusetts

review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Hardwick hereby declares the provision of this By-law to be severable.

ATM JUNE 11, 2005 ARTICLE #40

Hardwick Massachusetts

Article III ANIMAL CONTROL BY-LAW

Section 1. Applicability of By-law and State Law

In addition to the requirements set forth in this by-law, the licensing, keeping and control of animals shall be in accordance with and subject to all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of GL C. 140, s136A to 174E, inclusive.

Section 2. Animal Control Officer; Hearing Authority

The Board of Selectmen shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his assistants are not required to be a resident of the Town.

The Board of Selectmen shall act as the Hearing Authority for purposes of G.L. C. 140, s157, relative to nuisance or dangerous dogs as those terms as defined in said statute.

Section 3. Annual Dog and Kennel Licenses

Annual dog licenses, as required by GL C. 140, s137 must be obtained from the Office of the Town Clerk. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for a neutered or spayed license fee. Licenses issued under this section shall be renewed on an annual basis in accordance with the procedures to be determined by the Town Clerk. There will be a late fine of \$10.00 per dog for failure to register a dog on time.

Annual kennel license applications as required by GL C. 140, s.137A must be obtained from the Office of the Town Clerk. The applicant shall include their name, address, name of kennel (if applicable), dogs name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, and the telephone number where the licensee can be reached at all times in addition to meeting all of the requirements of GL C. 140, s137A to 137C. Kennel licenses issued under this section shall be renewed on an annual basis in accordance with the procedures to be determined by the Town Clerk. There will be a late fine of \$20.00 for failure to register a kennel on time.

No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning By-laws.

Section 4. Fees

The annual fee for individual and kennel licenses shall be as follows:

Individual Dog, fixed \$8.00

Hardwick Massachusetts

Individual Dog, intact \$15.00

Kennel :

4 dogs or less.....\$30.00

5 to 10 dogs.....\$60.00

11 dogs to 20 dogs..... \$100.00

Domestic Charitable Corporation Kennel.....FREE

Should the Town determine to increase the annual license and kennel fees, the Town shall exercise its authority as allowed by the Annual Town Meeting of June 17, 2000 under Article #30 and MGL, C.40, s.22F.

Section 5. Dog Control

(a) No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog properly restrained. A dog is under restraint for purposes of this by-law if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog and the dog is held firmly on a leash of not more than six (6) feet.

Section 6. Enforcement

(a) The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this by-law.

(b) Unrestrained dogs in violation of the requirements of Section 5(a) of this by-law, or unlicensed dogs in violation of Section 3 of this by-law, may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to GL C. 140, s151A and 167. The owner or keeper of any dog impounded under the provisions of GL. C. 140, s167 may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the sum of \$20.00 per day for the care of the dog during the period of impoundment.

(c) In addition to the remedies set forth herein and in GL C. 140, s136A to 174E, inclusive, or any other applicable provision of law, this by-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant and as allowed by Annual Town Meeting of June 25, 1994, under

Hardwick Massachusetts

Article #27 and to GL. C. 40, s21D. If non-criminal disposition is elected, then any First Offense: \$50.00 - fine

Second Offense: \$100.00 - fine

Third and subsequent Offense \$200.00 - fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Please refer to Chapter 140: Section 136A to 174E

ATM 6/13/2015 Article #19

Section 7. Removal of Dog Waste

It shall be unlawful for any person owning, keeping, walking, in possession of or in control of any dog, to allow or permit such dog to defecate upon any public or private property unless such person shall forthwith remove all feces deposited by such dog before leaving the area of the public or private property.

Violation of this section may be proven by direct observation or by a photo of the act.

A violation of this section shall be subject to the non-criminal disposition procedures of the Town as allowed by MGL, C.41, and s.21D. The enforcing officer for this violation shall be the Dog Officer or the police Chief or his designee. Whoever violates any provisions of this bylaw shall pay a fine of twenty five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

Fees collected shall be deposited in the Town's General Fund.

ATM 6/18/2011 Article #7

Hardwick Massachusetts

Article IV Hardwick Board of Health

Section 1. Non-Criminal Disposition

The following violations shall be subject to non-criminal disposition procedure: Any violation of a by-law or regulation of the Hardwick Board of Health relating to public health “which is authorized by Massachusetts General Law, any special law applicable to the Town of Hardwick, the State Building Code or other state regulations, as well as any town by-law, rule or regulation.”

The enforcing officer for the Hardwick Board of Health shall be its chairman or his designee.

Whoever violates any provisions of this by-law shall, unless otherwise provided by a fine in the Massachusetts General Law or CMR shall pay a fine of twenty-five (\$25.00) for the first offense and each subsequent offense for each violation.

A violation of any of the above provisions shall constitute a separate violation per day. Any assessment collected under this bylaw shall be paid into the Town’s general fund.
STM 6/18/2002 ARTICLE #8

Section 2. Public Connection to Town Sewers

Vote by the majority for the Town of Hardwick, that if a property becomes serviced by a public sewer system, said property will not be required to connect to the public sewer system provided that the property owner obtains a certificate from the Town’s Board of Health, stating that the present private disposal system is functioning adequately. Such adequacy shall be determined by preliminary visual inspection between March 1 and May 30. If after visual inspection the Board of Health determines a private septic system is not functioning adequately because of surface seepage or other obvious malfunction, the cost of determining further functional ability of a private system shall be the responsibility of the private owner. If subsequently the private system fails, the Board of Health may determine that the private owner must tie into the public facility rather than construction of an alternate system in a different location.

STM 6/26/1979 ART #8

Hardwick Massachusetts

ARTICLE V: Board of Selectmen

Section 1. The Selectmen shall have the general directing and management of the property and affairs of the town in all matters not otherwise provided or by law or these by-laws.

ATM 6/14/2008

Amended ATM 6/16/2013

Section 2. Whenever it shall be necessary to execute any deed or other instrument required to carry into effect any vote of the town, the same shall be executed by the Selectmen or a majority thereof, in behalf of the town, unless the town shall otherwise vote in any special case or except as otherwise required by law.

Section 3. The Selectmen shall, before the Annual Town Meeting of each year, cause to be printed a statement of the financial condition of the Town and a detailed report containing the names of persons and amounts to whom money was paid or from whom money was received during the preceding year, except as otherwise required by law. They shall also publish with said report, reports to be furnished by all other town boards and officers and such other information as they shall deem wise or necessary.

Section 4. The Selectmen shall have charge of and shall draw orders on any and all monies appropriated for the departments under their control and all appropriations not specifically entrusted to the control of any particular board or committee.

Section 5. It shall be the duty of the Selectmen to impose and enforce rules and regulations for the government of the Police Department and for the guidance of the members thereof.

Section 6. The Town pursuant to G.L. C. 41, s 4A authorizes the Board of Selectmen to appoint any members of the Board of Selectmen to fill any vacancies on the Board of Sewer Commissioners, including any vacancies resulting from a failure to elect, for the balance of the term of any such vacancy, the salary of such appointee to be the salary previously fixed for said position by vote of the Town Meeting for the period in question.

STM 11/18/2013 Article #4

Section 7. Legal Affaires

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 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 Council, or by Special Counsel duly employed, before any court, committee or legislation, or any State

Hardwick Massachusetts

or County Board or Commission, to protect the interest of the town but are not authorized by these by-laws to commit the Town or any of its interest.

Section 3. The Selectmen may at their discretion compromise or settle any claims or suit to which the town is a party, which does not require the payment by the town of amount in excess of two thousand dollars. No settlement of a claim or suit obligating the town in an amount in excess of two thousand dollars shall be made, except as authorize by law, without the consent of the town meeting.

STM 11/30/1993 ARTICLE #7

Hardwick Massachusetts

Article VI Building Inspector

Section 1. Swimming Pools

Every private in-ground swimming pool shall be enclosed by a fence four (4) feet in height and firmly secured at the ground level, such enclosure including gates therein, shall not be less than four feet above the ground, and any gate shall be self latching with latches placed three and one-half feet above the ground, or otherwise made inaccessible from the outside for children.

ATM 6/17/2000 ART # 38

Section 2 Unregistered Motor Vehicles

No more than one (1) unregistered motor vehicle in operating condition, other than farm or industrial farm or industrial vehicle, shall be stored on any premises in the Town unless stored within a building or located in an area licensed under Chapter 140, section 59 of the Massachusetts General Laws as amended. No unregistered motor vehicle not in operating condition shall be stored on any premises within the Town unless stored within a building or in an area licensed under Chapter 140, Section 59 as amended. The Building Inspector shall enforce this section.

Any person storing any motor vehicle in violation of this by-law or being in control of premises on which one (1) or more vehicles is stored in violation of this section, shall be punished by a fine of \$20.00 per vehicle for each day said violation continues, up to a maximum total fine of \$300.00 per day. Each day of violation shall continue as a separate and distinct offense.

As an alternative to initiating criminal proceedings, the Building Inspector may enforce this By-law by non-criminal disposition pursuant to the provisions of MGL Chapter 40 section 21D

STM 6/18/2002 ARTICLE # 6

Section 3 Street Numbering

- A. All persons shall affix to buildings owned by them the street numbers designated for such buildings as shown on maps prepared for the Town of Hardwick. No person shall affix or allow to remain on any building owned by him a street number other than the one so designated.
- B. Numerals indicating the official number for each principal building shall be placed on or near the entrance to that building which is most visible and most accessible 50 feet from the road. If the building is not clearly visible 50 feet from the road, the number shall be placed on a post, mailbox or other appropriate place at the end of the walk or driveway for said building.

Hardwick Massachusetts

- C. Building numbers shall be permanent weatherproof material, and shall be at least (3) inches tall and (2 1/2) inches wide, and shall be clearly visible from the roadway.
- D. Whenever any house or principle building is erected on a lot in Hardwick after the enactment of this by-law, it shall be the duty of the owner to obtain the correct number assignment from the building inspector prior to the issuance of a building permit. No occupancy permit for the structure erected shall be issued to the applicant until the number has been properly affixed as specified in section (B) of this section.
- E. This section shall be enforceable upon implementation of E-911 service to the Town of Hardwick. Enforcement of this by-law shall be by the Police Department or the Building Inspector. Any person being in control of the premises in violation of this by-law shall be punished by a fine of twenty dollars (\$20.00) per day, for each violation, up to a maximum total fine of two hundred dollars (\$200.00) per day. Each day of such violation shall constitute a separate offense. The fine shall be deposited in the General Fund of the Town.
- F. As alternative to initiating criminal proceedings, Building Inspector or Police Department may enforce this by-law by non-criminal disposition, pursuant to the provisions of MGL Chapter 40, section 21D

STM 6/18/2002 ARTICLE #5

Section 4 Stretch Energy Code

1. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building August 2013 code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

2. Purpose

Hardwick Massachusetts

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

4. Stretch Energy Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Hardwick General Bylaws.

The Stretch Energy Code shall be enforceable by the Inspector of Buildings.

5 Effective Date

The Stretch Energy Code was adopted by the October 22, 2015 Special Town Meeting, with a concurrency start date of January 1, 2016 and a sole effective date of July 1, 2016.

STM 10/22/2015 Article #15

Hardwick Massachusetts

Article VII Capital Planning Committee

Section 1. The Board of Selectmen shall establish and appoint a committee known as the Capitol Planning Committee. The Committee shall consist of seven members, which shall be comprised of one member of the Board of Selectmen, one member of the Finance Committee, one member of the School Committee, One member of the Board of Assessors, one at-large member representing the townspeople, the Town Treasurer (as a non-voting member), the Town Administrator (as a non-voting member), and the Town Accountant (as a non-voting member). Terms for appointment may be three (3) years. The Selectmen shall within thirty days after such Capitol Planning Committee becomes effective appoint one member for the term of one year, two members for terms of two years, two members for terms of three years and the Town Treasurer, the Town Administrator, and the Town Accountant shall serve as a non-voting members.

Section 2. The Committee shall study proposed capital projects and public improvements involving major, non-recurring tangible assets and projects which (1) involve acquisition, demolition, repair, or non-routine modifications to public buildings; (2) involve acquisition or sale of land; (3) involve acquisition of equipment with a value of \$25,000 or more; or (4) involve design studies, engineering studies, or other studies related to capital expenditures. All officers, department heads, boards, committees, commissions, or agents shall by December 1st of each year, give to, on forms prepared by it, information concerning all anticipated capital needs and projects requiring town meeting action for the ensuing five (5) years. The Committee shall evaluate the relative need, impact, timing, and cost of these proposed expenditures and the effect each will have on the financial position of the Town. No appropriation shall be voted at Town Meeting for a capital improvement requested, excepting non-special-article-school department capitol items which are subject to the provisions of MGL, Chapter 71, section 34, unless the proposed capital improvement is considered in the Committee's report, the Commission shall first have submitted a report to the Board of Selectmen explaining the omission. In case of emergency capital expenditures, the committee shall present an oral report as soon as possible.

Section 3. It shall be the duty of the Committee annually to prepare a Capital Budget Report showing, for each of the five years next following, a list of those public improvements and non-recurring major equipment needs which, in its opinion, represent the most necessary and urgent projects or purchases to be undertaken by the Town during each such year. The report shall include the probable costs of each such improvement or purchase and the Committee's recommendations as to the method of financing them.

Section 4. The Capital Budget report shall be distributed annually with the copies of the Warrant provided by the selectmen. Additional copies of said report shall be available in the Town Clerk's office for distribution to the public. The report shall also be included in the Annual Town Report.

ATM 6/16/2007 Article #27

Amended ATM 6/18/2011 Article #15

Hardwick Massachusetts

Article VIII Conservation Commission

Section 1. Establish Commission

It was voted to accept Section 8C of Chapter 40 of the General Laws and establish a seven man unpaid commission to look over the Towns' natural resources.

STM5/1, 1963 ART #4

Section 2. Wetland Protection Fund

The Wetland Protection Fund, wherein wetland filing fees so received by the Conservation Commission shall be turned over the Town Treasurer to be deposited into said account, monies in the Wetland Protection Fund will be available for appropriation by a vote of Town Meeting, only for the use of the Conservation Commission in carrying out its duties under the Wetland Protection Act, any interest earned is to be transferred to the General Fund as authorized by M.G.L., Chapter 31, section 10, beginning in Fiscal year 90.

STM 5/5/1990 ARTICLE #3

Section 3. Consultants

The filing of a Notice of Intent under M.G.L. Chapter 131, Section 40 shall constitute a filing for a Wetland Protection Permit to be issued by the Hardwick Conservation Commission.

The Public Hearing held under provisions of M.G.L. Chapter 131, Section 40 shall serve as the hearing for the Wetland Protection Permit.

The Hardwick Conservation Commission may, if a majority of its members deem it necessary in order to make a decision before issuing a permit, order an investigation, engineering study, hydro-geological study, or other study or review of the filling and/or site. No investigation, engineering, or hydro-geological study of other study or review shall commence until such time as the applicant has agreed in writing, to the specified study or review costs & terms of payment. Selection of a consultant to perform a required study shall be subject to written approval of the Hardwick Conservation Commission.

Each Notice of Intent requiring an investigation, engineering study, hydro geological study or other study or review shall be held by the Hardwick Conservation Commission until such time as the Commission is in receipt of a written statement by the consultant that the fee has been paid by the applicant or other satisfactory financial arrangements have been made between the applicant and the consultant.

ATM 6/24/1991 ARTICLE #4

Hardwick Massachusetts

Section 4. Consultant Fees

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey delineation, analysis, and environmental or land use law.

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services as listed below. This fee is called the consultant fee. The exercises of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource survey delineation, analysis or resource area values, including wildlife necessary for the making of an objective decision.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The Commission shall return any unused portion of the consultant fee to the applicant

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

Project Costs	Maximum Fee
Up to \$100	\$1,000
\$100.001 - \$5,000	\$2,500
\$5,000.001 - \$1,000,000	\$5,000
\$1,000,001 - \$1,500,000	\$7,500
\$1,500,001 - \$2,000,000	\$10,000
\$500,000 Each additional project cost increment (over \$2,000,000) shall be charged at an additional \$2,500 maximum fee per increment.	

STM 11/15/2001 Article #17

Section 5. Conservation Commission Determination Fees

Hardwick Massachusetts

An applicant for a determination of applicability from the Conservation Commission, shall pay a fee of \$20.00 to the Hardwick Conservation Commission in addition to any fees required pursuant to M.G.L., Chapter 31, section 40, for the purpose of determining whether or not a proposed activity or area is subject to M.G.L., Chapter 31, section 40.

STM 6/19/1993 ART #6

Section 6. Non Wetland Permission Permit

Voted by the majority for the Town of Hardwick to establish a special fund to be called, “The Wetland Protection Fund”, wherein wetland filing fees so received by the Conservation Commission shall be turned over the Town Treasurer to be deposited into said account, monies in the Wetland Protection Fun will be available for appropriation by a vote of town meeting, only for the use of the Conservation Commission in carrying out is duties under the Wetland Protection act, any interest earned is to be transferred to the General Fund as authorized by M.G.L., Chapter 31, Section 10, beginning in fiscal year 90.

STM 5/5/1990 ART #3

Hardwick Massachusetts

Article IX Contracts

Section 1. No officer of the Town shall in his official capacity 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.

Section 2. No Town officer and no salaried employee of the Town or any agent of any such officer or employee, shall receive any compensation or commission or work done by him for the town, except his 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.

Hardwick Massachusetts

Article X Council on Aging

Section 1. Council on Aging

Pursuant to the provisions of General Laws, Chapter 40, section 8B, there is hereby established a Council on Aging, consisting of five members appointed by the Selectmen from the voters and residents of the Town and appointed initially as provided herein – three to be appointed for three years, three to be appointed for two years, and three to be appointed for one year. Thereafter three members shall be appointed for a term of three years. The Council shall annually elect its Chairman and other officers as it deems appropriate.

The duties of said Council on Aging shall be to:

1. Identify the total needs of the Community's aging population.
2. Educate the community and enlist the support and participation of all citizens concerning these needs.
3. Design, promote or implement services to fill these needs, or coordinate present existing services to the community.
4. Promote and support any other programs pertaining to the elderly in the community.

Said Council on Aging shall cooperate with the commonwealth of Massachusetts, Office of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts, Office of Elder Affairs.

STM 11/21/1978 Article #3

Amended STM 6/20/1998 Article #34

Amended STM 3/9/2015 Article #7

Hardwick Massachusetts

ARTICLE XI: FINANCE COMMITTEE

Section 1. There shall be a Finance Committee consisting of five legal voters of the town, who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer shall be eligible to serve on said committee.

ATM 6/18/2011 ART #8

Section 2. During the transition, the terms of the appointed members in office on the effective date of the town meeting vote reducing the membership of the Finance Committee from six to five members shall remain in force and no vacancy on said committee, whether the result of expiration of a term or by removal or resignation before the expiration of a term, shall be filled until the membership of said board shall have reached five. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of the final adjournment of the annual town meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

Section 3. The duly elected Moderator shall fill any vacancy which may occur in the membership of the Finance committee and file notice of same with the Town Clerk.

Section 4. Said Committee shall consider and investigate such questions with reference to the condition of town affairs as they may deem advisable and shall have free access to all books of account and books of record and all accounts, bills and vouchers on which money has been paid or may be paid from the town treasury.

Section 5. It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the Town, as prepared by them in such form and detail as may be prescribed by said Committee. The said Committee shall add to such statement of expenditures and estimates another column giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriation as it may deem expedient.

Section 6. It shall be the duties of the Finance Committee to make annual report of its doings, with the recommendations relative to financial matters and the conduct of town business to be contained in the annual report.

Section 7. All articles in any warrant for a town meeting shall be referred to the Finance Committee for its consideration. The Selectmen, after drawing any such warrant, shall transmit immediately a copy thereof to each member of said Committee. Said Committee shall, after due consideration of the subject matter of such articles, report thereon to the

Hardwick Massachusetts

town meeting, such recommendations as it seems best for the interest of the town and its citizens.

Hardwick Massachusetts

ARTICLE XII: FINANTIAL AFFAIRS

Section 1. An audit of the accounts of the town shall be made annually under the supervision of the State division of Accounts, as provided by Section 35 of Chapter 44 of the General Laws.

Section 2. Each officer, board or committee authorized to spend money shall, on or before December 15 of each year, transmit to the town accountant all unpaid bills outstanding as of that date.

Section 3. Except as otherwise provided by law, the Town Auditor shall have custody of bonds, deeds documents owned by the town.

Section 4. Every officer shall each month pay into the treasury of the town all amounts received, 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 5. All monies received by any Town Officer or Department excluding the Town Clerk, Tax Collector and Fire Chief shall be paid upon their receipt into the Treasury, and shall be kept in a fund separate from all monies, and shall be expended without further appropriation to compensate the employee or person for such services provided.

STM 9/9/2003 ART #8

Article XIII Fire Department

Section 1. Cost of Fire Hydrants

The Fire Hydrant System **costs** as it relates to the Industrial and Commercial users will be borne by the users to the extent that the line serves the individual property concerned. The fee schedule for water service to Industrial & Commercial users is established as follows: Hersey Products - \$100.00 year: Hilltop Nursing Home - \$175.00 year: Gilbertville Woven Label Corp. - \$150.00 year: Pioneer Terminals & Gilbertville Storage - \$800.00 year with the following stipulations: 1. Fee to be reduced to \$400.00 year when \$400.00 is secure in the account. 2. Fee is to be restored to \$800.00 year when account falls below \$400.00 F.C.A.

ATM 4/14/1983 Article #26

Section 2. Fire Protection Regulations Fire Alarm Systems

A. Definitions:

- 1) The term "Fire Alarm System" means an assembly of equipment and devices or a single device such as, but not limited to. A solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which fire personal are expected to respond.
- 2) The term "False Alarm" means (A) The activation of an alarm system through mechanical failure, malfunction, improper instillation or negligence of the user or installer or the alarm system or his employees or agents: (2) Any signal or oral communication transmitted to the Fire Department requesting or requiring or resulting in a response on the part of the Fire Department when in fact there has been no smoke or fire. For the purpose of this definition, activation of alarm systems by hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

B. Control and Curtailment of signals emitted by alarms systems:

- 1) Every alarm user shall submit to the Fire Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Hardwick Fire Department of any changes in the list of authorized names in the listing to respond to alarms.
- 2) All alarm systems installed after the effective date of this by-law which uses audible horn, bell, or device shall be installed with a device that will shut off such bell, horn, or device within fifteen minutes (15) after activation of the alarm system. All existing alarms systems in the Town of Hardwick must have a shut off device installed within six (6) months of the acceptance of this by-law.
- 3) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarms user or those persons designated

Hardwick Massachusetts

by him under paragraph one (1) of this section and which disturbs the peace, comfort, or repose of a community, a neighborhood, or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance.

- 4) No alarm system which is designated to transmit emergency messages or signals of fire to the Hardwick Fire Department will be tested until the Hardwick Fire Dispatcher has been notified in advance.
- 5) All alarms systems which are designated to transmit emergency messages or signals or fire to the Hardwick Fire Department will be of a type approved by the Hardwick Fire Chief.

C. Penalties:

- 1) The user shall be assessed seventy-five dollars and no cents (\$75.00) to be deposited in the Town's General Fund as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The Hardwick Fire Chief shall notify the alarm user either by certified mail or by service in hand by a Police Officer of such violation. Fines shall be paid in accordance with applicable state and local laws.
- 2) The owner of a system which occasions six (6) or more false alarms within a calendar year, and/or installer who is not in conformance with this by-law, may be ordered to disconnect and otherwise discontinue the use of the same by a joint vote of the Hardwick Fire Chief and the Hardwick Board of Selectmen.
- 3) Any user, owner, or installer found to be in violation of any provision of this by-law for which no other penalty is specified shall be punished by a fine of twenty (\$20) dollars to be deposited in the Town's General Fund.
- 4) This by-law shall not apply to any town owned property.

STM 5/5/1990 Article #10

Section 3. FEES FOR LICENSES FOR STORAGE AND SALE OF VOLATILE INFLAMMABLE FLUIDS AND FOR PERMITS FOR REMOVAL OR RELOCATION OF UNDERGROUND GASOLINE TANKS

Section 1. Storage for purpose of sale

The fees for licenses for the storage for the purpose of sale of volatile inflammable fluids under provisions of General Laws Chapter 148, section 13, shall be as follows:

A. For licenses pertaining to storage Capacity of:

Storage Capacity	Fee
Not more than 1,000 gallons	\$10.00
Not more than 2,000 gallons	\$15.00
Not more than 5,000 gallons	\$25.00
Not more than 10,000 gallons	\$50.00
Not more than 30,000 gallons	\$100.00

Hardwick Massachusetts

Not more than 100,000 gallons	\$150.00
Not more than 200,000 gallons	\$200.00
More than 200,000 gallons	\$250.00

B. For certificates of the head of the Fire Department: \$10.00

C. For annual registration of:

Storage Capacity	Fee
Not more than 1,000 gallons	\$5.00
Not more than 2,000 gallons	\$7.50
Not more than 5,000 gallons	\$12.50
Not more than 10,000 gallons	\$25.00
Not more than 30,000 gallons	\$50.00
Not more than 100,000 gallons	\$75.00
Not more than 200,000 gallons	\$100.00
More than 200,000 gallons	\$125.00

Section 2. Storage for purposes other than sale

The fees for licenses for storage for purposes other than the sale of volatile inflammable fluids under the provisions of General laws Chapter 148, Section 13, shall be as follows:

A.

For licenses of:	Fee
Not more than 1,000 gallons	\$10.00
Not more than 2,000 gallons	\$15.00
Not more than 5,000 gallons	\$25.00
Not more than 10,000 gallons	\$50.00
Not more than 30,000 gallons	\$100.00
Not more than 100,000 gallons	\$150.00
Not more than 200,000 gallons	\$200.00
More than 200,000 gallons	\$250.00

B. For certificates of the head of the Fire Department: \$10.00

C. For annual registration of:

Storage Capacity	Fee
Not more than 1,000 gallons	\$5.00
Not more than 2,000 gallons	\$7.50
Not more than 5,000 gallons	\$12.50
Not more than 10,000 gallons	\$25.00
Not more than 30,000 gallons	\$50.00

Hardwick Massachusetts

Not more than 100,000 gallons	\$75.00
Not more than 200,000 gallons	\$100.00
More than 200,000 gallons	\$125.00

Section 3. Removal or relocation of underground gasoline tanks

The fees for permits under the provisions of General Laws Chapter 148, section 33A, for the removal or relocation of underground tanks which have been used for the keeping or storage of gasoline shall be the fees specified in Section 1 of this Article, depending upon the total storage capacities of such tanks. Said fees shall be turned over to the Town Treasurer for deposit into the Town's Free Cash Account.

STM 5/9/1987 Art #8

Hardwick Massachusetts

Article XIV Highway Department

Highway Surveyor

Section 1. Parking on Public Ways

No motor vehicle shall be parked on any public way within the Town of Hardwick between the hours of 10:00PM and 6:00AM during the period from November 15th to April 15th of each year and at any other time of day during such period on such public ways which are in the process of being cleared of ice or snow by the Highway Department or other contractors engaged by the Town for such purpose. This by-law shall be inserted as Section 6 under article VIII of the Town By-laws.

STM 12/29,1971 Article 4

Section 2. Curb/Cut Driveway By-law

1. Purpose

This By-law is for the purpose of protecting the health, safety, and general welfare of the inhabitants of the Town of Hardwick as well as all motorists and pedestrians utilizing the streets, roadways and sidewalks within the Town of Hardwick, by setting forth uniform regulations for driveway access and driveway construction standards.

2. Regulations of Curb Cuts and Driveway Access

No building permit in connection with a building or use which creates a new curb cut onto a public right-of-way or private right-of-way intended for public use, shall be issued, nor shall use be established, until a curb cut/driveway permit has been issued by the Highway Superintendent or their designee.

3. Applicability

The following curb cuts/driveways shall be subject to the requirements of this Bylaw:

- a. New access within public ways;
- b. Modification to existing access within public ways;
- c. Change of use of an existing building or facility that will generate a substantial increase in or impact on traffic from properties that abut the public way;
- d. Common driveways approved by the Planning Board pursuant to the applicable provisions of the Zoning Bylaw.

4. Application for Permit

The Highway Surveyor and/or their designee shall be responsible for issuance and/or denial of curb cut/driveway applications. All permits shall be requested in writing on

Hardwick Massachusetts

application forms provided for that purpose by the Highway Department and shall be accompanied by the following:

- a. All Applications shall be accompanied by the appropriate fee and surety; as authorized in **Sections 11 and 12**.
- b. Horseshoe driveways shall have two applications with fee and surety for each access to the public way;
- c. If the property owner is different than the applicant, written proof of the consent of the property owner must be provided with the application;
- d. All applications shall be accompanied by plans that are sufficient to show the proposed location of the curb cut/driveway, the width of the driveway, the materials and method of construction, methods employed to prevent runoff from entering the public way after construction, and all erosion control measures that are proposed to prevent debris from entering the public way from the driveway or other areas within the public way during construction. The Surveyor and/or their designee shall have the right to require that these plans are prepared and stamped by a Professional Engineer registered in the Commonwealth of Massachusetts.
- e. If the application is for a common driveway, then approval of a site plan or special permit issued by the Planning Board must accompany the application; and
- f. Any other information requested that may help the Surveyor and/or their designee determine that the proposal conforms to these regulations.

5. Decisions on Permit Applications

An application will be deemed received when the application has been submitted to the office of the Highway Surveyor accompanied by all of the supporting materials and/or documentation and fees required by this Bylaw. When an application has been filed, it will be stamped “Received” by the Office of the Surveyor only after the entire application, including all supporting material, has been checked for completeness and accuracy by the Surveyor and/or their designee.

If the application is deemed incomplete and therefore deemed not received, the applicant shall be notified in writing of the application deficiencies within ten (10) working days of the filing of the application.

Once the application has been stamped “Received”, the Surveyor and/or their designee shall have twenty (20) working days to either approve or deny the application submitted. Applications for proposed work not in conformity with this Bylaw, or for proposed work that would create safety concerns, hazardous conditions or drainage concerns, shall be denied.

The Highway Surveyor or their designee may require the hiring, at the applicant’s expense as per **Chapter 44, Section 53g**, of a qualified consultant or engineer to ensure that all design and construction standards are properly met.

6. Permits

Hardwick Massachusetts

Permits shall be granted by the Surveyor and/or their designee to the applicant on forms prepared for this purpose. The applicant is responsible for compliance with the requirements of this Bylaw. Permits granted under this Bylaw are not transferable.

7. Commercial and Industrial Applications

Applications for new commercial and industrial applications shall not be submitted to the Surveyor until after Special Permit and Site Plan Approval (as may be necessary) has been issued pursuant to the Zoning Bylaw. This is to ensure that complete engineering plans have been submitted and reviewed to insure that the specifications provide for safe and efficient access as is consistent with the Zoning Bylaw and current Planning Board review standards and regulations. Applications for new access, or modification to existing access for pre-existing commercial and/or industrial uses, shall be in conformity with this Bylaw.

8. Guidelines for Location and Construction of Driveways and Access Ways

A. General

- a. Driveways shall be located to minimize points of traffic conflict, both pedestrian and vehicular.
- b. Driveways shall be designed to intersect the existing roadway as close to perpendicular as possible.
- c. Entrance and exit driveways shall be located and designed as to achieve maximum practicable distance from existing and proposed access connections for adjacent properties.
- d. Driveways shall be constructed to allow for safe stopping sight distances that are consistent with the regulations and standards of the Massachusetts Highway Department.
- e. Driveways serving a building or use shall derive legal access from the street frontage of the lot or from a side street, provided there is a minimum width of thirty-two feet (32') from the street to the buildable portion of the lot.
- f. Any curb cuts onto a State Highway are subject to the regulations and standards of the Massachusetts Highway Department.
- g. To the extent feasible, all driveways shall contain turn-arounds within the lot so as to avoid backing of vehicles onto the right-of-way.
- h. Driveways shall be constructed with a maximum grade of twelve percent (12%), not to exceed five percent (5%) within thirty feet (30') of the property line at the street. The Highway Surveyor may approve a greater slope based on a finding that a lesser slope is infeasible due to topography or other natural characteristics of the site and the driveway is designed using sound engineering practice.
- i. Driveways shall be designed and constructed so as not to result in the direction of storm water runoff, and soil, stones, or other debris, onto or within the intersecting right-of-way. Storm water management controls shall be installed as required to prevent any runoff or debris from entering the road.

Hardwick Massachusetts

- j. The need for the installation of culverts and/or drainage to control storm water runoff shall be determined by the Surveyor or their designee and shall be installed at the property owner/applicant's expense.
- k. Driveways shall be constructed so as to minimize the removal of public shade trees, and all bylaws, laws and regulations relative to public shade trees will be observed. Approval of the tree warden is required prior to removal.
- l. The cost to remove and reset existing guardrail shall be borne by the property owner/applicant and the work shall conform to the Massachusetts Highway Department's "Standards & Specifications for Highways and Bridges".
- m. All driveways/curb cuts must maintain a minimum setback of ten-feet (10') from abutters' lot lines.

B. Construction Standards

- a. Any new or modified residential driveway that intersects a paved road shall include a minimum opening width of thirty-two (32') and shall have the entire area of the driveway approach within the public way paved with bituminous concrete pavement, or similar material such as concrete, as specified by these regulations. The length of such pavement shall include the entire area within the public way but no less than five feet (5') to help prevent erosion. The driveway shall match the edge of the existing road and shall not extend onto the traveled way and shall conform to **Detail #1**.
- b. Any new or modified residential driveway that intersects a graveled road shall include a minimum opening width of thirty-two (32') and shall have the entire area of the driveway approach within the public way covered with new packed gravel material as specified by these regulations. The length of such material shall be no less than five feet (5') to help prevent erosion. The driveway shall match the edge of the existing road and shall not extend onto the traveled way. In the event the roadway is paved or oiled, the owner shall comply with **Section 10, A, a** within six (6) months.
- c. Any new or modified residential driveway that intersects a paved road or graveled road with a drainage ditch within the area of the driveway approach shall install a drainage pipe not less than twelve inches (12") in diameter along the headwalls or culvert end sections as necessary on each side of the driveway as shown in **Detail #2**. The drainage pipe shall be installed at a line and grade to insure water travels unimpeded through the pipe and under the driveway. After installation of the drainage pipe the driveway shall match the edge of the existing road and shall not extend onto the traveled way. All drainage pipes shall be kept clean by the homeowner. The Highway Surveyor may approve a smaller diameter drainage pipe based on a finding that a larger diameter pipe is infeasible due to topography or other natural characteristics of the site, and the driveway is designed using sound engineering practice.
- d. Any new or modified residential driveway that intersects with a paved road with either a bituminous concrete, or cement concrete sidewalk, with or without a grass buffer, shall

Hardwick Massachusetts

include a minimum opening width of thirty-two (32') and shall match the back of the existing sidewalk. The sidewalk shall be replaced as shown in **Details #3** and **#4**. The remainder of the driveway within the public way shall be paved with bituminous concrete or cement concrete. The property owner/applicant will be responsible for maintaining pedestrian and vehicular safety throughout the construction period and shall provide the Town with evidence of a liability policy in the amounts specified by Surveyor or their designee per **Section 12**.

- e. Any new or modified residential driveways intersecting with a paved road without a sidewalk, but with either a bituminous concrete or granite curb, shall include a minimum opening width of thirty-two (32'), and shall match the edge of the existing road and shall not extend onto the traveled way as shown in **Detail #5**.

C. Construction Materials

Driveways shall be constructed of the following materials:

- a. Compacted subgrade, free of frost, roots and other organic and deleterious materials.
- b. The apron/leveling area between the roadway frontage line and the existing paved or treated public way must be paved for a distance of thirty feet (30') from the Center line of the intersecting street, the common driveway shall be paved with three inches (3") bituminous concrete, with a bottom course of two inches (2") and a top course of one inch (1) **"or other non-erodible substances approved by the Highway Surveyor."**
- c. All materials shall conform to the Massachusetts Highway Department's "Standard Specifications for Highways and Bridges".
- d. If pavers, or other alternative materials are to be used, construction standards shall be approved by the Highway Surveyor or his designee prior to issuance of a permit.

9. Work Schedule

All work shall be completed within six (6) months of issuance of the permit for street entrance and/or driveway construction.

All work shall be performed and completed prior to November 15. No work shall be commenced prior to April 1. For good cause and weather permitting, the Surveyor or his designee may, at his discretion, reasonably extend the time to complete work beyond November 15, or to commence work prior to April 1.

10. Erosion Control Measures

All owners are required to ensure that proper drainage is provided to prevent washout and excessive erosion, with particular attention to the leveling area/apron, so that water draining onto the street surface from the leveling area is eliminated to the maximum extent feasible.

A. Erosion Control Measures During Construction

- a. During construction hay bales and silt fence shall be installed as required to prevent storm water runoff, soil, stones, or other debris, from flowing onto or within the intersecting right-of-way. Temporary retention basins and/or ditches at the bottom of the driveway shall be installed as erosion control measures during construction.
- b. Any area disturbed in connection with the construction of the driveway or within the public way shall be stabilized to prevent erosion and sedimentation of the subject property, adjacent property, and of the intersecting street. Adjoining drainage structures shall be protected from sedimentation. Disturbed areas shall be loamed and seeded immediately following construction, or temporary erosion control measures used outside of the growing season.
- c. In the event erosion control measures installed by the applicant/contractor/owner fail, it shall be the responsibility of the permit holder to clear any mud, sand, debris and other materials from the right-of-way. In the event the Town must clean the right-of-way due to the time of occurrence of the event, the inability to contact the permit holder in a timely fashion, and/or the refusal of the permit holder to clean the right-of-way, the permit holder shall be responsible for all costs of the clean up.

B. Erosion Control Measures Post Construction

- a. Culverts shall be installed at all stream crossings. The Highway Surveyor their designee may require other drainage control measures where in his judgment there is a potential for storm water to cause erosion, flooding onto adjacent property, or damage to the public way.
- b. The Highway Surveyor may impose other conditions to protect the health, safety and welfare of neighborhood and the Town.

11. Permit Fees

A permit fee in the amount of \$200.00 shall be submitted with the application.

The permit fee set forth herein may be changed by vote of the Board of Selectmen.

Hardwick Massachusetts

12. Surety

- a. A bank check made payable to the Town of Hardwick in the amount of \$1,500.00 shall be submitted with each application for a curb cut/driveway as described in **Section 8, B, a**, to cover the costs of clean-up and or construction in the event the applicant defaults on any of these provisions or any of the conditions set on the permit granted.
- b. A bank check made payable to the Town of Hardwick in the amount of \$2,250.00 shall be submitted with each application for a driveway described in **Section 8, B, c**, to cover the costs of clean-up and or construction in the event the applicant defaults on any of these provisions or any of the conditions imposed on the permit granted.
- c. A bank check made payable to the Town of Hardwick in the amount of \$3,600.00 shall be submitted with each application for a driveway described in **Section 8, B, d**, to cover the costs of clean-up and or construction in the event the applicant defaults on any of these provisions or any of the conditions imposed on the permit granted.
- d. A bank check made payable to the Town of Hardwick in the amount of \$150.00 times the total linear feet of driveway including transition length proposed for each commercial or industrial site to cover the costs of clean-up and or construction in the event the applicant defaults on any of these provisions or any of the conditions imposed on the permit granted.

The Highway Surveyor or their designee may find that extraordinary conditions require additional surety in the form of an additional bond or a deposit of money (which may be in the form of an assignment of a savings account assented to a depository bank). In establishing such a bond or other surety the Highway Surveyor or their designee shall specifically enumerate the special conditions which he deems to require a bond. Said bond or surety shall be held by the Treasurer of the Town of Hardwick until an "as built" plan has been completed in compliance with the curb cut/driveway permit. Supervisory expenses and any additional expenses incurred by the Town of Hardwick as a result of any violations of this bylaw by a permit holder and deemed necessary by the Highway Surveyor, or their designee to monitor the applicants performance, shall be paid by the permit holder.

The required surety funds set forth herein may be changed by vote of the Board of Selectmen.

13. Release of Surety

The surety, or remainder thereof, will be released to the grantee after a final inspection of the driveway installation by the Highway Surveyor or his designee and a sign-off on the permit issued to the grantee. If,

Hardwick Massachusetts

after a final inspection, the work is not acceptable to the Surveyor, the grantee shall be given written notice of the deficiencies and shall have thirty (30) days to correct them. If all the necessary work is not completed within said thirty (30) day period, then the surety funds may be expended by the Town to cover the cost of completing the work. If the cost of completing the work exceeds the amount of the surety funds, the grantee shall be responsible for said additional costs.

14. Applicability of Conflicting Provisions of Applicable Laws, By-Laws or Regulations

In the event of conflict, any specific, more stringent provision in any other section of any Federal or State Law or regulation, or any other section of any other Town Bylaw that pertains to the requirements of this Bylaw, will prevail.

15. Design and Construction Standards for Common Driveways

Common driveways must conform to all provisions of curb cut/driveway bylaw and the following provisions:

1. Common driveways shall have a right-of-way easement width of not less than thirty-two feet (32') and shall have a traveled way width of not less than twelve feet (12'). The paved width at the street line shall be not less than thirty-two feet (32').
2. A sign showing the name of the common driveway and street addresses of the lots served shall be erected at the entrance to assist emergency vehicles in locating the residences. House numbers shall also be clearly posted where the private driveways split off from the common driveway.
3. Common driveways shall have passing turnouts providing a total width of at least thirty-two feet (32') along a distance of at least thirty feet (30'), spaced with no more than two hundred fifty feet (250') between turnouts, with the first such passing turnout being located within one hundred feet (100') of the driveway connection to the street.
4. A three-foot (3') wide improved shoulder shall be constructed along each side of the traveled way.
5. The grade of the common driveway shall not exceed ten percent (10%) and shall not exceed three percent (3%) within fifty feet (50') of the street line.
6. The common driveway centerline intersection with the street centerline shall not be less than sixty degrees (60°).
7. Turnaround space shall be provided at the end of the common driveway and shall be capable of serving all vehicles including ambulances, fire engines and police vehicles.
8. To insure emergency vehicles can access each residence without difficulty, the private driveways off of any common driveway shall be subject to the same design standards as **Detail 1**.
9. Common driveways shall be constructed according to the following specifications:

Hardwick Massachusetts

- a. Organic and non-bearing material shall be removed to at least the full width of the traveled way. Rocks and stones projecting into the sub-grade shall be removed to twelve inches (12") below finished grade.
- b. Common driveways shall be brought to sub-grade nine inches (9") below finished grade, with bank gravel compacted to avoid settlement. Storm drains, culverts and catch basins shall be installed before the finished sub-base is put in place. To the extent feasible, all other utilities shall be installed before the finished sub-base is put in place.
- c. The finished sub-base shall consist of six inches (6") of clean, compacted gravel containing no stones over two inches (2") in diameter, laid in two (2) lifts of three inches (3") each, and rolled after spreading. Such grading shall be brought to a grade three inches (3") below the finished grade shown on the approved plan.
- d. Common driveways shall be surfaced with three inches (3") of a durable, all-season non-dusting material, drained and suitably maintained to the extent necessary to avoid any nuisance due to dust, erosion or water flow onto streets or adjoining property.

16. Agricultural and Forestry Uses

Curb cuts for agricultural and forestry uses are generally exempt from the provisions of this bylaw but shall conform to **Section 10, B** of this bylaw and the following provisions:

1. Application: An applicant shall apply to the Highway Surveyor for a curb cut/driveway permit. No fee is required. The applicant shall provide a plan showing the location of the curb cut, methods employed to prevent runoff from entering the public way after construction, and erosion control measures proposed to prevent soil from entering the public way. The level of detail to be provided on the plan shall be at the discretion of the Highway Surveyor.
2. An existing Agricultural Curb Cut shall not be considered a curb cut for the purposes of becoming a building lot.

17. Grandfathering

All sections of this bylaw as outlined in **Section 3** shall be subject to this bylaw after date of acceptance.

Driveways created before date of acceptance shall be exempt from all provisions of this bylaw with the exception of **Section 10, A and B**.

Section 18 NON CRIMINAL DISPOSITION PROCEDURE - as allowed by MGL C40, s21D as an alternative to initiating criminal proceeding.

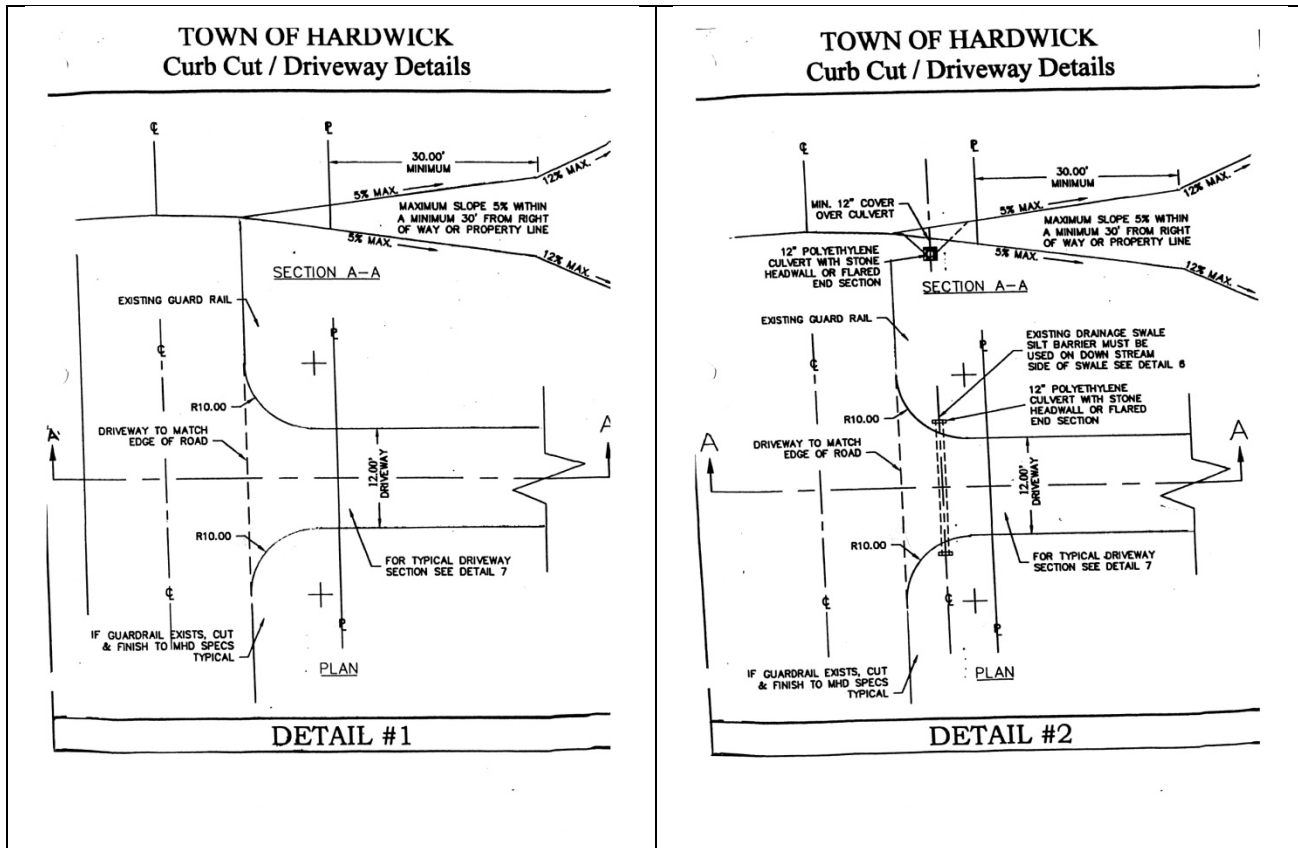
Whoever violates any provision of this Curb Cut/Driveway Bylaw shall, unless otherwise provided for by a fine under a MGL or CMR shall pay a fine in the amount of \$100.00 for the first offense and in the amount of \$200.00 for the second offense. A violation of the above provisions shall constitute a separate violation per day.

Hardwick Massachusetts

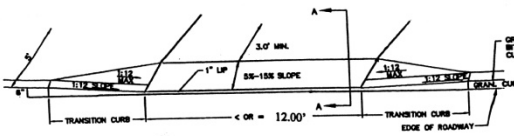
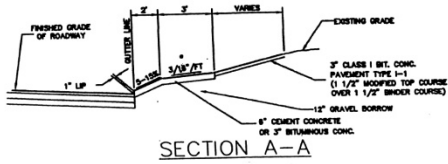
The enforcing officers for the Highway Department shall be the Highway Surveyor or his designee, the Building Commissioner or his designee, or any police officer of the Town.

Fines collected under this bylaw shall be paid into the Town's General Fund, or take any other action relative thereto.

STM 10/22/2015 Article 18



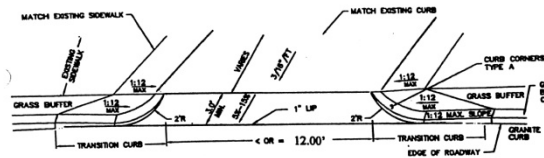
TOWN OF HARDWICK Curb Cut / Driveway Details



TYPICAL DRIVE WITH 5' SIDEWALK AT CURB

DETAIL #3

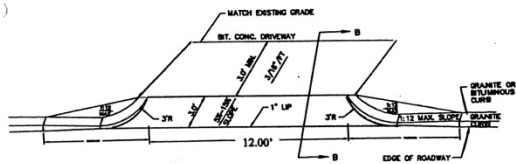
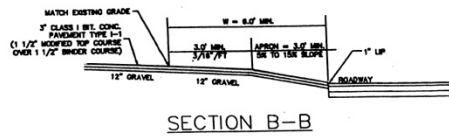
TOWN OF HARDWICK Curb Cut / Driveway Details



BIT. CONC. DRIVEWAY WITH GRASS BUFFER

DETAIL #4

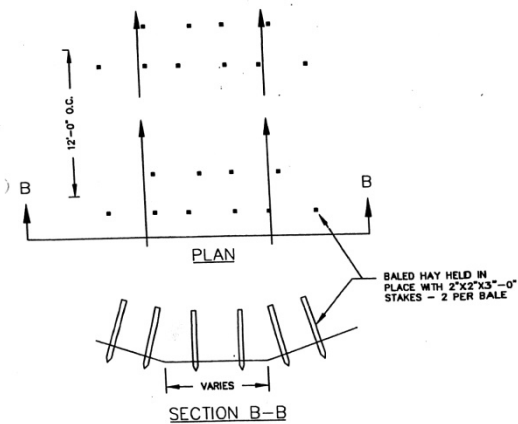
TOWN OF HARDWICK Curb Cut / Driveway Details



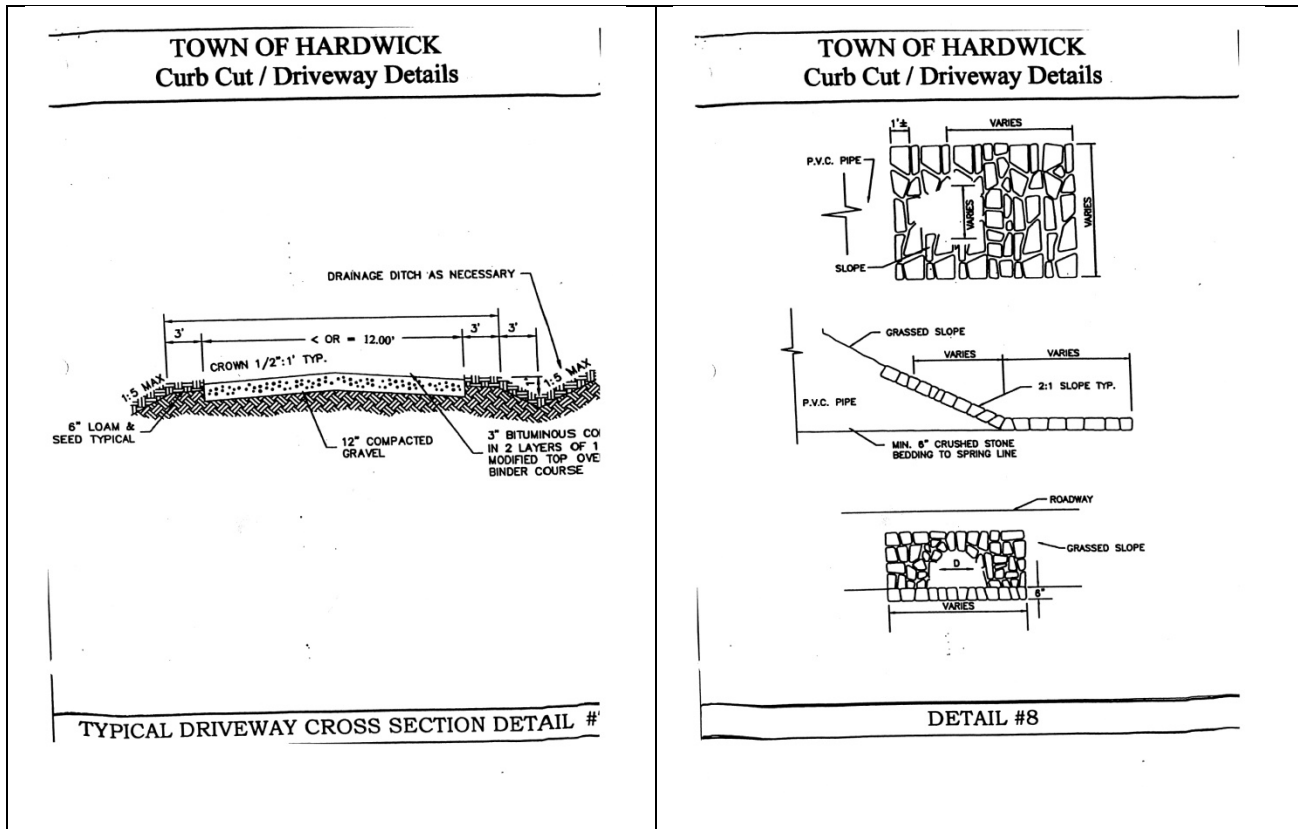
TYPICAL DRIVE WITH NO SIDEWALK

DETAIL #5

TOWN OF HARDWICK Curb Cut / Driveway Details



EROSION CONTROL IN DITCH DETAIL #6



ATM 6/17/2006 Art #26

Section 3. ROAD OPENING PERMIT REGULATIONS

PURPOSE OF PERMITS –

Town roads have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights-of-way for purposes other than transportation. However, to prevent recurring, dangerous, and annoying interruptions to traffic and pedestrians, to avoid interference with future road construction and construction methods, it is necessary that strict control be maintained and standard procedures be followed for excavation, construction and maintenance of Town roads.

DEFINITIONS –

As used in this SECTION, the following terms, shall have the meaning indicated.

DEPARTMENT – The Highway Department of the Town of Hardwick.

EXCAVATION - Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public place.

Hardwick Massachusetts

FACILITY - Any pipe, pipeline tube, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind of character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.

NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED

STREET/ROAD/WAY - Any street/road/way which has been newly constructed, or repaved within the past five years.

PERMITTEE - The person or persons, or corporation to whom the permit is granted, or their legal representatives.

PERSON – Any person, firm, partnership, association, corporation, company, or organization of any kind.

PUBLIC PLACE – Any street/road/way, place, alley, park, square or any other similar public property owned by the Town and or dedicated to public use.

STANDARD SPECIFICATION – The Commonwealth of Massachusetts, Department of Transportation (DOT) Specifications for Highways and Bridges, including the supplemental specifications most recent edition.

SUBSTRUCTURE – Any pipe, conduit, tunnel, duct, manhole, vault, buried cable, or wire, or any other similar structures located below the surface of any public place.

SUPERINTENDENT – The Hardwick Highway Superintendent and/or his designee.

TOWN - The Town of Hardwick, Gilbertville Water District, Wheelwright Water District and/or the Board of Selectmen, the Gilbertville Water District Commissioner, the Wheelwright Water District Commissioners and/or their designee.

1. APPLICATION FOR PERMIT.

A. An application for a permit shall be filed with the Superintendent before a “Road Opening Permit” is issued. Permit applications are available at the Highway Barn, 179 Petersham Rd. and the Municipal Building, 307 Main St. Each application form shall be completely filled out, signed, and returned to the Highway Superintendent by mail or in person.

B. An explanation of the application and plan of the proposed work shall be provided to the Highway Superintendent. The plan shall be to scale and not exceed 1 inch equal to 60 feet. Such plan may be drawn on the application or attached as a separate plan and shall depict the following:

The location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures

Hardwick Massachusetts

and utility poles by number, the character and extent of the work. The permittee shall properly notify Dig Safe.

C. The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects in the event the permittee discovers that additional work or repairs not designated in the original permit must be done to the same location, the permittee must make application to the Town for a permit to authorize the additional work in the same manner as the first permit, and would pay only for the additional permits.

D. Plans and specifications. When applications are made for permits involving work of major scope, complete plans and specifications must be submitted in duplicate with the application. They should be detailed so that the exact locations of the various parts of the work, the risk or injury to road users, and probability of damage to trees, highway structures, and private property can be ascertained.

E. Rejection of application. When it appears that the work called for in an application would not conform to Town regulations, or cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the request for the permit will be denied. The applicant will be informed of such rejection and the reasons for the rejection. The Superintendent may refuse to issue a permit to any person, company, or utility when, in his opinion, work performed under a permit issued to the applicant has not been properly executed, or when said applicant has failed to reimburse the Town for recoverable charges billed under the terms governing the previous permit. The rejection of an application can be appealed to the Board of Selectmen.

F. If, in the opinion of the Superintendent the opening of a roadway would result in a hazardous situation, the application shall be amended to include installation of utility by jacking, boring, or tunneling. This work shall be done only by a qualified and experienced contractor.

2. BOND REQUIREMENTS.

A. Prior to the issuance of the permit, the applicant shall deposit with the Town a Surety Bond in an amount and form as shall be determined by the Superintendent. The bond shall be issued in such a manner, as it may not be cancelled without the written approval of the Town.

B. A Surety Bond shall be required in the event of the failure of the contractor to complete the work or make required repairs to restoration for damages involving the work or encroachment authorized by the permit. The Superintendent shall determine the amount of the Surety Bond on the basis of the cost required to make proper restoration or repairs to the work performed.

C. The Surety Bond shall be released to the permit holder upon the expiration of the guarantee period. The guarantee period shall be for a period of 12 months following

Hardwick Massachusetts

completion of the work. During the guarantee period the permittee shall be responsible for the restoration, repair and maintenance of his work.

3. INSURANCE REQUIREMENTS.

Prior to the issuance of the permit the applicant shall provide a Certificate of Liability Insurance and a Certificate of Workers Compensation Insurance.

4. BLASTING.

Should blasting be required, it must meet the approval of the Superintendent. All necessary permits for the use of explosives shall be obtained from the Fire Chief.

5. ISSUANCE OF PERMIT.

A permit shall be issued:

1. After completion of all aspects of the application for the permit.
2. Upon receipt of a Performance Bond and insurance certificates in the correct amounts.
3. Upon payment of fees as required by the Superintendent.
4. The Superintendent has 10 working days from the receipt of the application to review and respond to the permit application.

6. EMERGENCY PERMITS.

Nothing in these requirements shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities and the Town for subsurface utility locations. Poor planning is not an emergency.

7. REVOCATION OF PERMITS; REINSPECTION.

Any aforementioned permit issued by the Town may be revoked by the Superintendent at any time by giving notice to the permittee. Work shall cease unless or until the situation is resolved to the satisfaction of the Superintendent. The permittee may file and appeal the decision to the Board of Selectmen, which may overrule the decision of the Superintendent and may reinstate the permit. All Work shall cease and the work area made safe and secure until a decision is made. A fee will be charged for reinspection of a failed permitted project.

8. EXTENSION OF TIME.

Hardwick Massachusetts

All required work shall be completed in a manner satisfactory to the Town before the expiration date shown on the permit. In cases where permanent repairs, such as loaming and seeding, must be made at a future date, the permit holder shall request from the Town an extension of time to complete the work. An extension of time may be granted upon written request by the permittee stating the reason(s) for the request.

9. INDEMNIFICATION.

The applicant agrees, as a condition governing the issuance of a permit, that he will hold harmless the Town or its Superintendent, and its agents and employees from any and all claims and actions whatsoever arising from the experience of said permit.

10. CLEARANCE FOR VITAL STRUCTURES.

Excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water grates, underground vaults, valve housing structures and any other vital areas of equipment as designated by the Town.

11. TRAFFIC AND SAFETY.

The contractor shall not render any road impassable without notifying the Superintendent, Police Department and Fire Department. It is the responsibility of the contractor to notify the Police Department if a police detail is necessary. Evidence of said determination by the Police Department must be provided at the time of the application. Failure to notify emergency services of an impassable road shall be grounds for revocation of the permit.

The cost of all police details shall be the responsibility of the contractor. Prior to any road being rendered impassable, the contractor shall notify all Police, Fire and Ambulance services that may be affected. It is also the responsibility of the contractor to coordinate with the school bus company for rendering a road impassable. The contractor shall sufficiently address the concerns of emergency personnel that public safety is not compromised by the contractor's actions.

The contractor shall, in general, maintain safe crossing for two lanes of vehicular traffic at all street intersections where possible, and safe crossing for pedestrians. Adequate crossing shall be maintained for vehicles and pedestrians when an excavation is made across any public road, way or sidewalk. The contractor shall take appropriate measures to assure that during the performance of the work, traffic conditions are as near as possible and shall be maintained at all times as to minimize inconvenience to the occupants of the adjoining properties and to the general public. When traffic conditions permit, the Superintendent with written approval (or by verbal agreement in cases of emergency), permit the closing of streets and ways to all traffic for a period of time prescribed by him, if in his opinion, it is necessary. The written approval of the Superintendent may require that the permittee give notification to various public agencies and the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of emergency on weeknights or holidays, the facility owner

having such an emergency shall contact the Superintendent, Police Chief, Fire Chief or their designee by phone to receive their permission before closing the street to traffic.

12. RELOCATION AND PROTECTION OF UTILITIES.

The permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. No facility owned by the Town or privately owned shall be moved to accommodate the permittee, unless the cost of such work is borne entirely by the permittee. The permittee shall support and protect the use of timbers, all pipes, conduits, poles wires, or other apparatus which may be in any way be affected by the excavation work and do everything necessary to support, sustain, and protect them under, over, along, or across said excavation work. All damaged facilities shall be repaired by the agency or person owning the facilities and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to facilities and injury to persons. The Town shall not be made a part to any action because of this section.

13. CARE OF EXCAVATION MATERIAL.

A. All material excavated from trenches, and stockpiled adjacent to the trench or in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street or adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the permittee haul it to the trench site at the time of backfilling. Stockpiles of excavated material shall be so located, or suitable precautions taken, to insure that any erosion of the material shall not result in siltation of the stormwater drainage system or waterway. The permittee shall be liable for any flushing, cleaning or dredging resulting from failure to comply with this provision.

B. It shall be the permittees responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

14. BREAKING THROUGH PAVEMENT.

A.

1. All excavation on paved street surfaces shall be precut in a near, straight line with a pavement breaker or saw.
2. Heavy-duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.

3. Cutouts of the trench lines must be normal or parallel to the trench line.
4. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
5. Unstable pavement shall be removed over cave-ins and over breaks, and the subgrade shall be treated as the main trench.
6. The permittee shall not be required to pay for the repair of pavement damage existing prior to the excavation unless his cut results in small, floating sections that may be unstable, in which case the permittee shall remove the unstable portions and the area shall be treated as part of the excavation.
7. When three or more openings are made in sequence 15 feet or less, center to center between each adjoining opening, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch it all as one trench.

B. Breaking through pavement in sidewalks.

1. All parts of the above subsection shall apply to sidewalk excavation.
2. On cement concrete sidewalks, all cuts shall be from the nearest joint or score line.

15. REPAIR OF ROADWAY EXCAVATIONS.

A. Temporary repairs. As soon as the excavation has been backfilled and tamped, the pavement shall be replaced temporarily by the permittee. The temporary pavement on paved roads shall consist of four inches of hot laid bituminous concrete Type 1 when available at local batch plants, and placed in accordance with the Massachusetts DOT specifications.

1. During winter months when hot bituminous plant mix is not available, the temporary pavement shall consist of at least four inches of cold patch or bag patch.
2. No traffic is to pass over an area in which an excavation has been made until the temporary pavement has been placed.
3. In the event of unacceptable maintenance of temporary repairs, the permittee will be notified of such situations.
4. Upon notification, the permittee will make required improvements within 24 hours before being billed for Town improvements. In an emergency situation, the Town will make immediate repairs and the permittee will be billed directly.
5. All temporary paving materials shall conform closely to the level of the adjoining paved surface and shall be compacted so that it is hard enough and

smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the temporary paving for a period of no less than 90 days after backfilling is completed or as directed by the Superintendent to conform with the scheduled traffic until the excavation has been resurfaced with permanent paving.

B. Permanent repairs. Upon completion of the backfilling and temporary resurfacing of an excavation, the permittee will be required to permanently resurface that portion of the street surface damaged by his excavation. The permanent resurfacing shall be done in a manner and under specifications prescribed by the Superintendent, and shall be completed within a period of 120 days from the date of the temporary patch or as directed by the Superintendent.

16. TRENCH REPAIRS.

The maximum length of open trench permissible, at any time, shall be 200 feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling patching, or any other operation without the written permission of the Town.

17. DRIVEWAY, CURBCUT, OPENINGS.

See the Town of Hardwick Driveway, Curbcut Bylaw.

18. PROMPT COMPLETION OF WORK.

After an excavation has commenced, the permittee shall proceed with diligence and expedite all excavation work covered by the excavation permit, and shall promptly complete such work and restore the street as specified. The permittee shall perform such restoration so as not to obstruct, impede, or create a safety hazard to either pedestrian or vehicular traffic.

19. NOISE, DUST AND DEBRIS.

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable, noise, dust and unsightly debris between the hours of 5:00 pm and 6:00 am. The permittee shall not use, except with the express written permission of the Town or in case of an emergency as herein otherwise provided, any tool, application, or equipment producing noise of sufficient volume to disturb the sleep of the residents in the vicinity.

20. PRESERVATION OF MONUMENTS.

A. Any monument set for the purpose of locating or preserving the lines of any street or property, or precise survey reference point, or permanent survey benchmark within the Town shall not be removed or disturbed without first obtaining permission, in writing, from the Town to do so.

B. Permission to remove or disturb such monuments, reference points, or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing that the person or utility for such permission shall pay all expenses incidental to the proper replacement of the monument by the Town.

21. GRANITE CURBS.

No person or utility shall remove, damage, haul away, or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town. All granite curbs are the property of the Town.

22. BITUMINOUS CURBS.

Any person or utility damaging bituminous curbing during the course of excavation or for any other reason shall be charged for the repair or replacement of the bituminous curbing.

23. EXCAVATIONS DURING WINTER.

A. No person or utility shall be granted a permit to excavate or open any street or sidewalk from November 15 of each year to April 1 of the next year unless an emergency or special condition exists and is so determined by the Superintendent and permission is obtained from the Town in writing. Any person or utility wishing to obtain a Road Opening Permit between the aforementioned dates shall first explain fully, in writing, the nature of the emergency situation to the Town before permission is granted. If a hazardous condition, which endangers life and/or property exists, excavation shall not be delayed by this section of the regulations. However, a written explanation shall be delivered to the Town within 48 hours of the hazardous condition excavation and a Road Opening Permit obtained for the opening made.

B. Non-emergency excavation between the above dates will constitute an additional fee.

24. INSPECTIONS.

The Superintendent shall make such inspections as are necessary in the enforcement of these regulations. The Town shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary.

25. EXCAVATION ON RESURFACED STREETS.

Whenever the Town has developed plans to reconstruct a street, the Town, or its representative, shall notify all abutting property owners, Town Departments and public utilities which have, or may wish to lay, pipes, wires, or other facilities in or under the highway. Such person, department or utility shall have 60 days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility for the installation shall make written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five years, unless an emergency condition exists or the necessity for making such installation could not reasonable have been foreseen at the time such notice was given. If a permit is granted, the town may impose extraordinary conditions on the permittee to preserve the structural condition of the pavement and to blend the permanent patch with existing pavement.

26. VIOLATIONS AND PENALTIES.

A. Any person, utility, firm or corporation who violates any of the regulations established under this bylaw as voted by the Annual Town Meeting of June 25, 1994 under Article #27 wherein the Town voted to accept the provisions of MGL,C40s21D shall be punishable by a non-criminal fine of \$300 for each violation per day. Each day such violation(s) continue, shall constitute separate violations and offenses. The enforcing officers for a Road Opening Permit shall be the Superintendent, Police Chief, Fire Chief or their designees.

B. If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done, and shall keep an account of the expenses thereof, and, in such case, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town, with an additional amount of work and the determination of the costs thereof, the Town shall issue no further permits to any person or utility until it shall receive payment of said costs. If a final inspection fails to meet the standards, a reinspection fee will be charged for each inspection,

Hardwick Massachusetts

until the project is satisfactorily completed. Only the Board of Selectmen will have the right to arbitrate this fee.

C. Any person or utility who continues to violate any regulation shall receive no further permits until such time as the Town is satisfied that the person or utility will comply with the terms of these regulations.

27. WAIVER.

The Town of Hardwick reserves the right to waive any or all regulations in the best interest of the Town on a case-by-case basis. All waivers shall be approved in writing by the Superintendent, Police Chief or Fire Chief.

28. FEES.

The Town shall exercise its authority as allowed by the Annual Town Meeting of June 17, 2000 under Article #30 and MGL, C.40s.22F to determine the fees associated with the permit application, inspection fees and re-inspection fees for Road Openings

6/17/2017 ART #21

Hardwick Massachusetts

Article XV Landfill

Section 1. Landfill Cover Requirements

The following is prohibited from being used or cover, daily cover, shaping, grading, or closure of an existing landfill or former landfill:

- (A) Any soil or other material which has a concentration above the Massachusetts Maximum Contaminant Level (MMLC) of any one or more substances listed in the latest update of the Massachusetts Drinking Water Standards as most recently promulgated by the Massachusetts Department of Environmental Protection as amended;
 - (B) Any soil or other material which has been excavated or removed from a federal CERCLA hazardous waste site or State Chapter 21E hazardous waste site;
 - (C) Construction or demolition debris;
 - (D) Residue or fines from processing of construction an demolition debris;
 - (E) Coal ash
 - (F) Paper mill sludge;
- STM 10/25/2005 Article #27

Section 2, Landfill Height Limit

The top surface of a landfill, including any landfill cap or covering material, shall not exceed “670 feet above Mean Sea Level.”

STM 1/24/2007 Article #2

Section 3. Solid Waste Facility Public Process Preamble. This By-law establishes public participation requirements to improve the public process following the filing of a site assignment application for a new solid waste facility.

- (A) Purpose. The purpose of this By-law is to protect the rights of the people of Hardwick to clean air and water guaranteed by Article 97 of the Articles of Amendment to the Massachusetts Constitution. Article 19 of the Declaration of Rights and by the First Amendment to the United States Constitution.
- (B) Authority. This By-law is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment, independent of the provisions of Bylaw 150A of Chapter 111 of the General Laws and regulations promulgated thereto.
- (C) Proposed Solid Waste Facilities - Public Process. This By-law establishes procedures to require an informational meeting by the Board of Health which is held following the filing of an application for a site assignment for a proposed solid waste facility or modification or expansion of an existing solid waste facility.
 - (1) The Board of Health shall hold a public informational meeting no later than forty-five (45) days following the receipt by the Board of a site assignment

Hardwick Massachusetts

- application for a proposed solid waste facility, where the applicant shall be invite to give a short presentation and answer questions from attendees.
- (2) At least fourteen (14) days prior to commencement of said informational meeting, the Board of Health shall require the applicant to place a large sign not to exceed eight square feet at the proposed site, on the nearest public way, which states in a clearly readable type face that *‘This is a proposed site of a (type of facility) proposed by (name of applicant). An informational meeting on the application will be held (date) (time) at (location). For more information contact (name, title, phone number and address of Boar of Health contact),’* and which shall contain a brief description of the proposed project and where application materials can be reviewed.
 - (3) At least fourteen (14) days prior to commencement of said informational meeting, the Board of Health shall send notice of said meeting, which shall include a brief description of the project, the date, time and location of the meeting, how residents can participate in the meeting and where applications can be reviewed, by first class mail to all residents and landowners located within one mile of the proposed site, including residents and landowners in an abutting town if the proposed site is within one-half mile of that town (an “abutting town”).
 - (4) At least fourteen (14) days prior to commencement of the informational meeting, the Board of Health shall forward a copy of the application for assignment to the Hardwick Public Library and to the public library in an abutting town, if any, and place a copy on the internet.
 - (5) At least fourteen (14) days prior to commencement of the informational meeting, the Board of Health shall publish a notice as a display advertisement in a non-legal By-law of one or more newspapers in general circulation in Hardwick and an abutting town, if any, which shall include notice of the informational meeting and where the application materials may be reviewed, and shall send the notice as a press release to all newspapers and media outlets which circulate in the town(s).
 - (6) The Board of Health shall provide for videotaping of the informational meeting or later broadcast.
 - (7) The Board of Health may assess upon application the costs for complying with the provisions of this By-law relative to the informational meeting and providing notice thereof. Said applicant may contest the amount so assessed and may request a hearing before the Board, who may reconsider the amount of assessment thereof.
- (D) Severability. Each of the paragraphs within this By-law shall be construed as separate to the end that any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this By-law shall continue in force.

Hardwick Massachusetts

Article XVI Moderator.

Section 1. All motions submitted for the consideration of the town at its regular or special town meetings shall be in writing when so requested by the Moderator or Clerk of the meeting.

Section 2. At any town meeting held for the transaction of town business, every person speaking shall address the chair, shall confine himself to the question under debate, and avoid personalities; and no person shall be permitted to speak without first obtaining leave of the presiding officer.

Section 3. Articles in the warrant shall be acted upon in the order in which they stand, except that the Moderator may upon request and for reasons stated, entertain the motion to take up an article out of its regular order.

Section 4. The duties of the presiding officer, beyond those fixed by law and forgoing rules, shall be determined by rules of parliamentary law laid down in Town Meeting Time.

ATM 6/16/2009 Article #26

Section 5. A: To elect a Moderator by Official Ballot for a three year term beginning at the annual Town Election on April 8, 2002 and every three years thereafter.

ART 31 ATM 6/16/2001

Section 6. The presiding officer may speak to points of order in preference to all other persons.

Section 7. If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each thereof, if five voters so request.

Section 8. On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any smaller amount.

Section 9. Any person who is employed as an attorney or another interested in any other matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

Section 10. When a question is put, the sense of the meeting shall be determined by a show of hands, and the Moderator shall declare the vote as it appears to him. If the decision of the chair is doubted, the question shall then be distinctly stated and another show of hands may be called for and he may appoint tellers to make and return the count.

Section 11. No person shall speak more than ten minutes on any question unless his time shall be extended by vote of the meeting.

Hardwick Massachusetts

Section 12. No motion the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

ATM 6/16/2007 ARTICLE 27

Hardwick Massachusetts

Article XVII Non-Criminal Violations

Section 1. Non-Criminal Violations

- A. Criminal Complaint. Whoever violates any provision of these bylaws may be penalized by indictment of on complaint brought in the District Court. Except as otherwise provided by law, an as the District Court may see fit or impose, the maximum penalty for each violation, or offense, brought in this manner, shall be three hundred dollars.
- B. Non-Criminal Disposition. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition (citation), as provided in Massachusetts General Laws, Chapter 40, section 21D. The non-criminal method of disposition, may also be used or violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.

Town By-Law	Enforcing Officer	Penalty (Per Offense)
Building Permits	Building Inspector	\$50.
Snow Conditions Parking	Police	\$20.
Public Consumption Alcohol	Police	\$20.
Dog By-Law Section 6	Selectmen / Dog Officer	\$50.
Drainage Control	Highway Superintendent	\$20. (Day)
Junk Car	Selectmen	\$20. (Per Vehicle Per Day)
Burglar Alarm – Section 9C3	Police	\$20.
Nuclear Materials	Police	\$300.
Street Numbering	Police / Building Inspector	\$5. (Day)
Diving from Bridges	Police	\$25.
Fire Alarm	Fire Chief	\$20.

ATM 6/25/1994 Article #27

- C. The following violations shall be subject to the non-criminal disposition procedure:

Any violation of a bylaw or regulation of the Hardwick Board of Health relating to public health “which is authorized by Massachusetts General Law, any special law applicable to the Town of Hardwick, the State Building Code or other state regulations, as well as any town bylaw, rule or regulation.

STM 6/18/2002 Article #8

Any violation of a bylaw or regulation of the Building Department “relating to public safety”, which is authorized by Massachusetts General Law, special legislation

Hardwick Massachusetts

applicable to the Town of Hardwick, the state building code or other state regulations, as well as any town bylaw, rule or regulation.

STM 6/18/2002 Article #8

Any violation of a bylaw or regulation of the Fire Department relating to public safety, authorized by Massachusetts General Law, special legislation applicable to the Town of Hardwick, the state fire prevention code or other related state regulation, as well as any town bylaw, rule or regulation.

STM 6/18/2002 Article #8

Any violation of a bylaw or regulation of the Dog Control Bylaw of the Town shall be punishable by a non-criminal fine of Twenty-five dollars (\$25.00) for the first offense, fifty dollars for the second offense and each subsequent offense for each violation. The enforcing officer for the Hardwick Dog Control shall be the Dog Officer, Police Chief or his designee, or the Town Clerk.

ATM 6/19/2004 Article #41

The enforcing officer for the Hardwick Board of Health shall be its chairman or his designee.

STM 6/18/2002 Article #8

The enforcing officer for the Building Department shall be the Building Inspector or his designee.

STM 6/18/2002 Article #8

The enforcing officer for the Fire Department shall be the Fire Chief or his designee.

STM 6/18/2002 Article #8

Whoever violates any provisions of this bylaw shall, unless otherwise provided by a fine in the Massachusetts General Law or CMR shall pay a fine of twenty-five (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense and each subsequent offense for each violation.

STM 6/18/2002 Article #8

A violation of any of the above provisions shall constitute a separation violation per day. Any assessment collected under this bylaw shall be paid into the Towns' general fund.

STM 6/18/2002 Article #8

Hardwick Massachusetts

Article XVIII Police

Section 1. Public Alcohol Consumption

No person shall consume any alcoholic beverage as defined by the general Laws upon any public way, town park, town common, town cemetery, public school building, town building, school land or recreation land under the control of the Town except during such times as a special permit, issued by the Board of Selectmen is in effect for such places. Any person violating the provisions of this by-law is subject to arrest and prosecution with a maximum fine of \$20.00 for each offense.

ATM 5/14/1977 Article #30

Section 2. Diving from Bridges is Prohibited

It shall be unlawful for any person to dive or jump from any bridge located within a public right of way into a stream or waterway within the Town of Hardwick. This law shall not prohibit any person from entering the water from any bridge for the purpose of emergency rescue. Any person violating the provisions of this by-law is subject to arrest and prosecution with a fine of \$25.00 for each offense.

STM 9/27/1993 Article #14

Section 3. Pedestrian right of Way

No person shall obstruct the free passage of any person on a public way or sidewalk in the Town, pedestrians shall have the right of way at all times on the public ways and sidewalks of the Town. No person may operate any skateboard, rollerblades, roller skates, sled or other object used for coasting upon any such public way or sidewalk in such manner as to infringe on the right of way of any pedestrian. Persons violating this bylaw may be arrested by a police officer without any warrant and shall be liable for a fine of twenty-five (\$25.00) dollars as allowed by Massachusetts General Law, chapter 272, section 59.

ATM 5/10/1997 Article #20

Section 4. TRANSIENT VENDORS and HAWKERS AND PEDDLERS

It shall be unlawful for any transient vendor or hawker and peddler, as defined in this Bylaw and Chapter 101 of the Massachusetts General Laws to engage in such business within the Town without first obtaining a license therefore in compliance with the provisions of this Bylaw and said Chapter 101.

Section 1: Definitions

The term "Transient Vendor" for the purposes of this Bylaw shall be the same as defined in section 1 of Chapter 101 of the Massachusetts General Laws, as may be amended from

Hardwick Massachusetts

time-to-time, and shall include, but not be limited-to the selling, distributing, exposing for sale magazines, books, periodicals or other articles of a commercial nature from a temporary but fixed location.

The term “Hawker and Peddler” for the purposes of this Bylaw shall be the same as defined in section 13 of Chapter 101 of the Massachusetts General Laws, as may be amended from time-to-time, and shall include, but not be limited-to the selling, distributing, exposing for sale magazines, books, periodicals or other articles of a commercial nature by going from place-to-place throughout the Town.

The terms Transient Vendor and Hawker and Peddler shall also include the solicitation of orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements and any other services to be performed in the future, whether or not such individual has, carries or exposes for retail sale samples and whether or not such individual is collecting advance payment on such sales or services, but they shall not include persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit orders for future periodic deliveries.

A Transient Vendor is distinguished from a Hawker and Peddler insofar as a Transient Vendor operates its business from a fixed, albeit temporary, location, while a Hawker and Peddler operates its business by moving from place-to-place.

For purposes of this Bylaw, the terms “Transient Vendor” and/or “Hawker and Peddler” shall not include any person engaged in non-commercial enterprises, including but not-limited to soliciting for charitable, benevolent, fraternal, local school district related, religious or political activities.

For purposes of this Bylaw, the term Hawker and Peddler shall not apply to one engaged in the activities described in Section 15 of Chapter 101 of the Massachusetts General Laws.

Section 2: License Required

No Person shall operate as a Transient Vendor or Hawker or Peddler within the Town of Hardwick without first being licensed by the Police Chief or his designee in accordance with this Bylaw and any regulations adopted by the Board of Selectmen.

In order to receive a license to operate as a Transient Vendor, the applicant shall be licensed by the Commonwealth in accordance with Section 3 of Chapter 101 of the Massachusetts General Laws.

Hardwick Massachusetts

Hawkers and Peddlers may sell without a license newspapers, religious publications, ice, flowering plants, fruits, nuts and berries as may be wild or uncultivated, subject only to such time, place and manner regulations as may be adopted by the Board of Selectmen.

Section 3: Regulations

The Board of Selectmen may adopt and amend from time-to-time regulations to implement this bylaw.

Section 4: Application

Each applicant for a Transient Vendor or Hawkers and Peddlers license is required to apply in person on a form approved by the Police Chief or his designee and signed under the pains and penalties of perjury, containing the following information:

- a. Name of applicant.
- b. Address of applicant (local and permanent address).
- c. Applicant's height, weight, eye and hair color.
- d. Applicant's Social Security number.
- e. Applicant's Driver License number.
- f. Registration of the Motor Vehicle(s), including vehicle owners name and address, the year, make, color, model, registration number of the vehicle.
- g. Two photographs of the applicant shall be submitted and be "2x2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- h. A brief description of the nature of the business and goods to be sold.
- i. The length of time for which the right to do business in Town is desired.
- j. The name and home address office of the applicant's employee. If self-employed, the applicant shall so state.
- k. The applicant's fingerprints; and
- l. Authorization for the Chief of Police to obtain a criminal history background check from the Criminal History Systems Board.

If the application is for a Transient Vendor License, the application must identify the location from which the business will be conducted and proof of permission from the person owning or having control of the property.

At the time of the filing of the application, the applicant shall pay a fee of \$5.00 to the Town of Hardwick. If the applicant wishes to renew the license within the year from the date of issue, the \$5.00 application fee shall be waived. The applicant will still be responsible for refiling an application after the expiration date of the license.

Upon receipt of the application, the Chief of Police or his designee shall investigate the applicant's background to determine whether the applicant is a suitable person to hold such a license. When considering whether to issue or deny an application, or to suspend, revoke or decline to renew an existing license, the Chief will give significant

Hardwick Massachusetts

consideration, and appropriate weight, to any felony or misdemeanor conviction, admission to sufficient facts or entrance of a plea of nolo contendere, taking into account all factors including the nature and gravity of the offense (including whether the crime is a felony or a misdemeanor, a violent crime, a crime which poses a substantial degree of dangerousness to minors and other vulnerable populations, or a crime involving fraud), the time that has passed since the conviction, admission or entrance of a plea of nolo contendere, and the sensitive nature of operating the business of Transient Vendor or Hawker and Peddler.

The Chief of Police or his designee will approve or disapprove the application and notify the applicant in writing of his decision. In the event the application is disapproved the applicant may request a hearing before the Board of Selectmen in accordance with Section 7 of this Bylaw.

Section 5: Licenses

All licenses shall be subject to the condition that the holder shall comply with all requirements for the carrying-on of the licensed business within the Town of Hardwick which are or may hereinafter be imposed pursuant to this Bylaw, Chapter 101 of the Massachusetts General Laws, and/or any regulations adopted by the Board of Selectmen.

Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, including the date of issuance and the length of time the same shall be operative in the Town, as well as the license number of the vehicle if applicable.

No license shall be transferred.

Each license issued under the provisions of the Bylaw shall continue in force for such length of time determined by the Chief of Police, not to exceed 2 weeks from the date of its issue unless sooner revoked.

The licensee shall have the Town issued license on his person at all times when in the Town and the license shall be prominently displayed upon the licensee's place of business, vehicle or person.

Hardwick Massachusetts

The licensee shall be allowed to conduct business between the hours of 8 am to 6 pm.

Section 6: Violations and Enforcement

The Chief of Police and/or the Board of Selectmen may suspend or revoke any permit issued pursuant to this Bylaw for any violation of this Bylaw, or any other applicable General Law, regulation or bylaw, including but not-limited to violations of the criminal law that bear upon the licensee's fitness to carry-on the business described herein. Any person aggrieved by the Chief or the Board's decision in this regard may request a hearing before the Board of Selectmen in accordance with Section 7 of this Bylaw.

Whoever violates any provision of this by-law may be penalized by a noncriminal disposition process as provided in G.L. C.40, s21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then any person who violates any provision of this by-law shall be subject to a fine of three hundred dollars (\$300) for each offense. Each day a violation exists shall constitute a separate offense.

This by-law may be enforced by any police officer of the Town of Hardwick through the non-criminal disposition process as provided in G.L. C.40, s. 21D and the Town's non-criminal bylaw. If non-criminal disposition is elected, then any person who violates any provisions of this bylaw shall be subject to a fine of three hundred dollars (\$300). Each day or portion thereof shall constitute a separate offense.

The Chief of Police and/or Board of Selectmen may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

Section 7: Appeals

Any person aggrieved by an order of the Chief of Police or his designee may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of issuance of the Chief's decision. A copy of the hearing request shall also be delivered to the Chief of Police. If no such request is filed within the time specified herein, the decision of the Chief shall be final.

Upon receipt of a timely request, the Board of Selectmen will convene a public hearing, and based on the credible evidence and testimony presented at such hearing, the Board of Selectmen may affirm, reverse or modify the Chief's decision.

Section 8: Severability

It is hereby declared that the sections, paragraphs, sentences, clauses and words of this Bylaw are severable, and if any word, clause, sentence, paragraph or section of this Bylaw shall be declared unconstitutional or otherwise invalid by the valid judgment or

Hardwick Massachusetts

decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code.

STM 11/18/13 ARTICLE #2

Section 5 Enforcement

- A. Criminal Complaint. Whoever violated any provision of these bylaws may be penalized by indictment or on complaint brought in the District Court. Except as otherwise provided by law, and as the District Court may see fit or impose, the maximum penalty for each violation, or offense, brought in this manner, shall be three hundred dollars.
- B. Non-Criminal Disposition. Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition (citation), as provided in Massachusetts General Laws, Chapter 40A, section 21D,. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty.

Town Bylaw	Enforcing Officer	Penalty (per offense)
Building Permits	Building Inspector	\$50
Snow Conditions Parking	Police	\$20
Public Consumption Alcohol	Police	\$20
Dog bylaw-section 6	Selectmen, Dog Officer	\$50
Drainage Control	Highway Superintendent	\$20 (per day)
Junk Car	Selectmen	\$20 (per day)
Burglar Alarm – Sec. 9C3	Police	\$20
Nuclear Materials	Police	\$300
Street Numbering	Police / Building Inspector	\$5 (per day)
Diving from Bridges	Police	\$25
Fire Alarm	Fire Chief	\$20

ATM 6/25/1994 Art #27

Hardwick Massachusetts

Article XIX Sewer Commission

Section 1. Filling Vacancies

The Town pursuant to G.L. C. 41, s 4A authorizes the Board of Selectmen to appoint any member of the Board of Selectmen to fill any vacancies on the Board of Sewer Commissioners, including any vacancies resulting from a failure to elect, for the balance of the term of any such vacancy, the salary of such appointee to be the salary previously fixed for said position by vote of the Town Meeting for the period in question.

STM 11/18/2013 Article #4

Section 2. Public Connection to Town Sewers

If a property becomes serviced by a public sewer system, said property will not be required to connect to the public sewer system provided that the property owner obtains a certificate from the Town's Board of Health, stating that the present private disposal system is functioning adequately. Such adequacy shall be determined by preliminary visual inspection between March 1 and May 30. If after visual inspection the Board of Health determines a private septic system is not functioning adequately because of surface seepage or other obvious malfunction, the cost of determining further functional ability of a private system shall be the responsibility of the private owner. If subsequently the private system fails, the Board of Health may determine that the private owner must tie into the public facility rather than construction of an alternate system in a different location.

STM 6/26/1979 ART #8

Section 3. Cross Connection Control Ordinance

I. Purpose

A To protect the public potable water supply served by the Hardwick Water & Sewer Commission from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system

B. To promote the elimination or control of existing cross connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.

C. To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

II. Authority

A. As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the

Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 2222, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

B. Hardwick Water and Sewer Commission, Rules and Regulations, adopted June 24, 1995 - revised 3/23/2910

III. Responsibility

A. The Water Commission shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Commission determines that an approved backflow prevention device is required at the town's water service connection or as in-plant protection on an customer's premises, the commission or its delegated agent, shall issue a cross connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame to be determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

IV. DEFINITIONS

A. Air Gap Separation: the method of preventing backflow through the use, of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

B. Approved: Accepted by the' Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

C. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.

D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.

E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

G. Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.

H. Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of 'a potable water supply from any source other than the intended source.

I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are forced loaded to a normally closed position and the venting means is force loaded to a normally open position.

J. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies. .

K Commission: The Town of Water Commission or owner or operator of a public water supply system.

L. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.

M. Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

N. Cross Connection Violation Form: A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and Board of Health delineating' cross connection violations found on the owner's premises and a procedure for corrective action.

O. Department: The Massachusetts Department of Environmental Protection.

P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

Q. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

Hardwick Massachusetts

R. Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.

S. Permit: A document issued by the Department which allows a cross connection installation.

T. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

U. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

V. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, and (4) necessary appurtenances for testing.

W. Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

X. -yv--v----- --....--v.-- ----... ---r_~----~---..v, this] ~vo-D'a'v, v- ray hum rawvbub "Anybyuvl' authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

V. ADMINISTRATION

A. The Commission will operate an active cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the State DEP's Cross Connection Regulations and is approved by the Department.

B. The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Commission's program and the Department regulations.

VI. REQUIREMENTS

A. COMMISSION

Hardwick Massachusetts

1. On new installations, the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
2. For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
3. The Commission will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
4. If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
5. The Commission shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.
6. The Commission will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during calendar year 1996. Initial focus will be on high hazard industries and commercial premises.

B. OWNER

1. The Owner shall be responsible for the elimination or protection of all cross connections on his premises.
2. The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.
3. The Owner shall have any device that fails an inspection or test repaired by a licensed plumber.
4. The Owner shall inform the Commission of any proposed or modified cross connection and also any existing cross connections of which the owner is aware but has not been found by the Commission.
5. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down

operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Department and by the Commission.

7. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the Department.

8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Commission's system. Permission to cross connect may be denied by the Commission. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Commission's system.

9. The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.

10. The Owner shall be responsible for the payment of all fees for permits, device testings, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with commission or Department requirements.

VII. DEGREE OF HAZARD

The Commission recognizes the threat to the public water system arising from cross connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross connections, could contaminate the public water supply system.

VIII. ENFORCEMENT

The Commission shall not allow a cross connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued.

IX. EXISTING IN-USE BACKFLOW PREVENTION DEVICES

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure

backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

X. PERIODIC TESTING

A. Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semi-annually by the Commission.

B. Periodic testing shall be performed by the Commission's certified tester or his delegated representative, who shall be a certified tester.

C. The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Commission.

D. Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the Owner, independent of the semiannual test by the water supplier, and said test must be conducted by a certified tester.

E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts; repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

F. Backflow prevention devices will be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

XI. RECORDS AND REPORTS

A. RECORDS

The commission will initiate and maintain the following:

1. Master files on customer cross connection tests and/or inspections.
2. Master files on approved cross connection installations

Hardwick Massachusetts

3. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.

B. REPORTS

The Commission will submit the following to the DEP:

1. Initial listing of high hazard cross connections.
2. Initial listing of low hazard cross connections.
3. Annual update lists of Items 1 and 2 above. V
4. Annual summary of cross connection inspections and surveys.

ADDENDUM

1. RESIDENTIAL DUAL CHECK

Effective the date of the acceptance of the Cross Connection Control Program for the Town of Massachusetts, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water & Sewer Commission at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Commission.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/ or pressure relief valves.

2. STRAINERS

The Commission strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation, of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

ATM 6/24/1996 ART #22

Hardwick Massachusetts

ARTICLE XX TOWN CLERK

Section 1 CONDUCT OF MEETINGS; MINUTES

Every public body, board, commission, committee and subcommittee of the Town of Hardwick including the, Gilbertville Water District, and the Wheelwright Water District established in the Town of Hardwick shall conduct all meetings in accordance with MGL, C30A,s18-25. Every public body thereof shall file a written copy of the minutes with the Town Clerk from every posted meeting whether the meeting minutes are typewritten, computer generated or in handwritten format and which have been created and approved by the public body within 45 days of the approval. The minutes shall state the date, time and place of meeting, a list of members present or absent and a summary of the discussion on each subject, the decisions made and the actions taken at each meeting, and furthermore, executive session meeting minutes of which the chair or his designee of the public body thereof shall, at reasonable intervals, review the minutes of executive sessions to determine if such minutes warrant continued non-disclosure or if the purpose for which the executive session was held has been served and file said minutes within 10 days with the Town Clerk. Executive session meeting minutes shall be withheld from disclosure to the public in portion or in their entirety as allowed by MGL, C4, s7, clause 26, sub clause (a). In addition the meeting minutes and executive session minutes of all public bodies whether typewritten, computer generated or in handwritten format shall be uploaded onto the Towns' designated "PUBLIC MEETING WEBSITE" at "mytowngovernment.org/01031" after the filing of the meeting minutes with the Town Clerk.

ATM 6/13/2015 ART #17

Section 2 Authority to Assign Appropriate Numbers to By-laws

The Town Clerk shall hereby be authorize to assign appropriate numbers to by-law chapters, sections, subsections, paragraphs an subparagraphs, where none are approve at Town Meeting, and if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

ATM 6/13/2015 ART #21

Section 3. Saturday Closings

The office of the Town Clerk and Board of Registrars shall be closed on all Saturdays pursuant to MGL, C.41, and s.110A.

ATM 6/13/15 ART #28

ARTICLE XXI TOWN COLLECTOR

Section I Town Collector

The Collector of Taxes shall collect under title of Town Collector all accounts due to the Town and committed by the appropriate departments as allowed by MGL c 41, s.38A. The Town Collector shall have authority to use all legal means available to collect charges, payments and delinquent payments when due. This by-law shall take effect on July 1, 2008, for FY 2009.

STM 10/30/2007 ART #20

Section VII TAX COLLECTOR - NON PAYMENT OF TAXES BY-LAW

SUSPENSION, REVOCATION, AND DENIAL OF LOCAL LICENSES AND PERMITS OF PERSON, CORPORATION OR BUSINESSES WHICH HAS NEGLECTED TO PAY ANY LOCAL TAX OR MUNICIPAL CHARGE GRANTING OR RENEWAL OF LICENSES OR PERMITS AS AFFECTED BY THE NON-PAYMENT OF A LOCAL TAX, FEE, ASSESSMENT, BETTERMENT OR OTHER MUNICIPAL CHARGES.

(A) THE TAX COLLECTOR OR OTHER MUNICIPAL OFFICIAL RESPONSIBLE FOR RECORDS OF ALL MUNICIPAL TAXES, ASSESSMENTS, BETTERMENTS AND OTHER MUNICIPAL CHARGES, HEREINAFTER REFERRED TO AS THE TAX COLLECTOR, SHALL ANNUALLY, AND MAY PERIODICALLY, 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, 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.

(B) 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 BY THE COLLECTOR, AND WITH RESPECT TO ANY ACTIVITY, EVENT, OR OTHER MATTER WHICH IS THE SUBJECT OF SUCH LICENSE OR PERMIT AND WHICH ACTIVITY, EVENT, OR OTHER MATTER IS CARRIED OUT OR EXERCISED OR IS TO BE CARRIED OUT OR EXERCISED ON OR ABOUT REAL ESTATE WHOSE OWNER HAS NEGLECTED OR REFUSED TO PAY ANY LOCAL TAXES, FEES, ASSESSMENTS, BETTERMENTS, OR ANY OTHER MUNICIPAL CHARGES, AND WHOSE NAME APPEARS ON SAID LIST FURNISHED TO THE LICENSING AUTHORITY FROM THE COLLECTOR: PROVIDED, HOWEVER, THAT WRITTEN NOTICE IS GIVEN TO THE PARTY AND THE COLLECTOR, AS REQUIRED BY APPLICABLE PROVISIONS OF THE LAW, AND THE PARTY IS GIVEN A HEARING, TO BE HELD NO EARLIER THAN

Hardwick Massachusetts

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 COLLECTOR SHALL HAVE THE RIGHT TO INTERVENE IN ANY HEARING CONDUCTED WITH RESPECT TO SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION. ANY FINDINGS MADE BY THE LICENSING AUTHORITY WITH RESPECT TO SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION SHALL BE MADE ONLY FOR THE PURPOSES OF SUCH PROCEEDING AND SHALL NOT BE RELEVANT TO OR INTRODUCED IN ANY OTHER PROCEEDING AT LAW, EXCEPT FROM ANY APPEAL FROM SUCH LICENSE DENIAL, REVOCATION OR SUSPENSION. ANY LICENSE OR PERMIT DENIED, SUSPENDED OR REVOKED UNDER THIS BY-LAW SHALL NOT BE RE-ISSUED OR RENEWED UNTIL THE LICENSING AUTHORITY RECEIVES A CERTIFICATE ISSUED BY THE 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 TOWN AS OF THE DATE OF ISSUANCE OF SAID CERTIFICATE.

(C) 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,

(D) 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 ITS IMMEDIATE FAMILY AS DEFINED IN SECTION ONE OF CHAPTER 268A OF THE MASSACHUSETTS GENERAL LAW IN THE BUSINESS OR ACTIVITY CONDUCTED IN OR ON SAID PROPERTY.

(E) THIS SECTION SHALL NOT APPLY TO THE FOLLOWING LICENES AND PERMITS

1. OPEN BURNING	M.G.L. CHAPTER 48	SECTION 13
2. BICYCLE PERMIT	“	85
11A		
3. CHARITABLE SALES		101
33		
4. FISHING, HUNTING, TRAPPING LICENSE		131
12		
5. CLUBS/ASSOCIATION DISPENSING FOOD		
OR BEVERAGE LICENSE		140
21E		
6. DOG LICENSE		140
		137

Hardwick Massachusetts

7. THEATRICAL EVENTS, PUBLIC EXHIBITION PERMITS	140
181	
8. CHILD WORK PERMITS	149
69	
9. MARRIAGE LICENSE	207
28	

Voted – ATM –A.#31 - 6/13/92

Amended - STM – A. #9 - 6/25/94

Amended – ATM - A.#18 6/17/17

Section 3 Due Date of Fees

The due date for the payment of all municipal fees, charges and bills, including but not limited to sewer fees, shall be thirty (30) days after the fee, charge or bill is issued by the Town, unless otherwise specified by a general law or special act of the Commonwealth. Interest shall accrue at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, section 57.

STM 10/25/2005 ART #24

Hardwick Massachusetts

ARTICLE XXII: TOWN MEETING

Section 1. The Annual town meeting for the election of officers shall be held on the second Monday in April of each year.

The Town of Hardwick may hold its Annual and Special Town Meetings and any adjournments thereof at the Quabbin Regional School in the Town of Barre, or take any other action thereto.

ATM 6/11/2005 ARTICLE #16

Section 2. All business of the annual town meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at one o'clock P.M. on the first Monday in May of each year.

Section 3. All warrants for a town meeting shall be served by a constable of the town by posting an attested copy thereof in each of the several post offices in town at least seven (7) days before an Annual Town Meeting and at least fourteen (14) days before a Special Town Meeting.

STM 1/5/1978

Section 4. The financial year of the town shall begin the first day of July of each year and end on the 30th day of the following June.

Section 5. All committees shall report as directed by the town. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time.

Section 6. All committees shall report as directed by the town. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time.

Hardwick Massachusetts

List of Approved Hardwick Legislation

Chapter 18 of the Acts of 1738-1739. An Act For Erecting A Plantation In The County Of Worcester, Called Lambstown, Into A Township By The Name Of Hardwicke.

Chapter 7 of the Acts of 1762-1763. An Act For Setting Up A Fair In The Town Of Hardwicke In The County Of Worcester.

Chapter 21 of the Acts of 1799. An Act For Establishing A Corporation By The Name Of The Sixth Massachusetts Turnpike Corporation.

Chapter 50 of the Acts of 1800. An Act To Incorporate A Number Of The Inhabitants Of The Southwesterly Part Of Petersham, And The Northwesterly Part Of Hardwick, In The County Of Worcester, And The Northeasterly Part Of Greenwich, In The County Of Hampshire, Into A Town By The Name Of Dana.

Chapter 18 of the Acts of 1814. An Act To Set Off Joseph Robinson from New-Braintree to Hardwick.

Chapter 55 of the Acts of 1815. An Act To Incorporate The First Baptist Society In Hardwick.

Chapter 34 of the Acts of 1818. An Act In Addition To An Act, Entitled " An Act To Incorporate The Town Of Enfield."

Chapter 32 of the Acts of 1824. An Act Establishing The First Universalist Society In The Town Of Hardwick.

Chapter 35 of the Acts of 1830. An Act To Annex A Gore Of Land To The Town Of Hardwick.

Chapter 19 of the Acts of 1833. An Act To Annex A Gore Of Land To The Town Of Hardwick.

Chapter 120 of the Acts of 1837. An Act To Incorporate The Valley Mills.

Chapter 5 of the Acts of 1842. An Act To Annex A Part Of Petersham And Hardwick To Dana.

Chapter 233 of the Acts of 1846. An Act To Authorize The Western Rail-Road Corporation To Extend A Branch Rail-Road From West Brookfield To Barre.

Chapter 25 of the Acts of 1848. An Act To Incorporate The Hardwick Steam Mill Company.

Chapter 76 of the Acts of 1867. An Act To Incorporate The Ware River Railroad Company.

Chapter 260 of the Acts of 1869. An Act to Incorporate The Massachusetts Central Railroad Company.

Chapter 106 of the Acts of 1896. An Act To Authorize The Town Of Hardwick To Pay A Certain Sum Of Money To The Administrator Of The Estate Of John J. Wilson..

Chapter 346 of the Acts of 1901. An Act To Authorize The Hampshire And Worcester Street Railway Company To Act As A Common Carrier.

Chapter 277 of the Acts of 1910. An Act To Extend The Corporate Powers Of The George H. Gilbert Manufacturing Company.

Chapter 572 of the Acts of 1910. An Act To Establish The Boundary Line Between The Towns Of Enfield And Greenwich.

Chapter 401 of the Acts of 1911. An Act To Establish The Boundary Line Between The Towns Of Dana And Greenwich.

Chapter 703 of the Acts of 1912. An Act To Provide For The Construction Or Improvement Of A Highway Between The Towns Of Ware And West Brookfield.

Hardwick Massachusetts

- Chapter 776 of the Acts of 1913. An Act Relative To The Construction Or Improvement Of A Highway Between The Towns Of Ware And West Brookfield.
- Chapter 192 of the Acts of 1924. An Act Authorizing The Town Of Hardwick To Pay A Sum Of Money To George D. Warner And Mary C. Warner.
- Chapter 455 of the Acts of 1939. An Act Providing For The Funding Of Overlay Deficits By The Town Of Hardwick
- Chapter 478 of the Acts of 1949. An Act To Authorize The Town Of Hardwick To Borrow Money For Acquiring A Water Supply And Sewerage System.
- Chapter 414 of the Acts of 1949. An Act To Establish The Gilbertville Water District In The Town Of Hardwick.
- Chapter 464 of the Acts of 1951. An Act To Establish The Wheelwright Water District In The Town Of Hardwick.
- Chapter 727 of the Acts of 1951. An Act Relative To The Establishment Of The Wheelwright Water District In The Town Of Hardwick.
- Chapter 510 of the Acts of 1952. An Act Providing That The Civil Service Laws Shall Not Apply To The Members And Positions Of The Police Department And The Chief And Office Of Police Chief Of The Town Of Hardwick
- Chapter 492 of the Acts of 1953. An Act Relative To The Date Of The Annual Meeting Of The Wheelwright Water District In The Town Of Hardwick.
- Chapter 479 of the Acts of 1957. An Act Authorizing The Division Of Waterways Of The Department Of Public Works To Reconstruct The Bridge On Route 32 Over Danforth Brook As A Flood Control Project In The Town Of Hardwick.
- Chapter 509 of the Acts of 1957. An Act Authorizing And Directing The Division Of Waterways To Install Flood Control Gates In Wheelwright Dam In The Towns Of Hardwick And New Braintree.
- Chapter 371 of the Acts of 1958. An Act Providing For The Establishment Of A Right Of Way For Public Access To Hardwick Pond In The Town Of Hardwick.
- Chapter 574 of the Acts of 1960. An Act Authorizing The Gilbertville Water District To Borrow Money For Purchasing Certain Real Estate For Office And Storage Purposes.
- Chapter 15 of the Acts of 1963. An Act Authorizing The Town Of Hardwick To Sell Surplus Water To Inhabitants Of Said Town.
- Chapter 671 of the Acts of 1963. An Act Increasing The Terms For Which Certain Persons Shall Be Elected By The Gilbertville Water District.
- Chapter 77 of the Acts of 1965. An Act Increasing The Terms For Which Certain Persons Shall Be Elected By The Gilbertville Water District.
- Chapter 726 of the Acts of 1968. An Act Erecting And Constituting Vocational Regional School District Consisting Of The Towns Of Belchertown, Hardwick, Monson, New Braintree, North Brookfield, Palmer, Ware, Warren And West Brookfield
- Chapter 496 of the Acts of 1970. An Act Granting Maximum State Aid For School Construction To The Pathfinder Regional Vocational Technical High School District, Notwithstanding That Certain Member Towns Are Not Depressed Areas.
- Chapter 921 of the Acts of 1971. An Act Authorizing The Town Of Hardwick To Acquire An Easement In Land In The Town Of Ware For The Installation And Maintenance Of A Certain Sewer Line.

Hardwick Massachusetts

Chapter 603 of the Acts of 1972. An Act Establishing The Upper Ware River Regional Refuse Disposal District.

Chapter 132 of the Acts of 1973. An Act Ratifying And Confirming The Taking By Eminent Domain By The Town Of Hardwick Of Certain Permanent Easements In And Over Land Of The Pennsylvania New York Central Transportation Company.

Chapter 664 of the Acts of 1973. An Act Relative To Appeals By Persons Aggrieved By Refusal Of Assessors To Abate Taxes On Real Estate.

Chapter 178 of the Acts of 1979. An Act Authorizing The Town Of Hardwick To Pay A Certain Sum Of Money To Robert G. Goodfield.

Chapter 575 of the Acts of 1985. An Act Authorizing The Division Of Capital Planning And Operations To Issue A Permit For A Certain Parcel Of Land Located In The Town Of Hardwick For The Purposes Of Entrance And Egress To Other Lands.

Chapter 746 of the Acts of 1987. An Act Relative To School Building Assistance.

Chapter 50 of the Acts of 1988. An Act Validating Action Taken By The Town Of Hardwick In Approving The Organization Of The Quabbin Regional School District.

Chapter 240 of the Acts of 1998. An Act Authorizing The Town Of Hardwick To Convey Land To The Hardwick Farmers Co-Operative Exchange.

Chapter 405 of the Acts of 2010. An Act Validating Certain Proceedings Of The Pathfinder Regional Vocational-Technical High School District.

Chapter 161 of the Acts of 2014. An Act Relative To The Financing And Construction Of A Sanitary Sewer Extension In The Town Of Hardwick.

Chapter 21 of the Acts of 2016. An Act Providing For The Appointment Of A Superintendent Of Streets In The Town Of Hardwick.

Chapter 42 of the Acts of 2018. An Act Authorizing The Board Of Selectmen Of Hardwick To Appoint The Town Collector.

Chapter 43 of the Acts of 2018. An Act Authorizing The Board Of Selectmen Of Hardwick To Appoint The Town Treasurer.