

# BY-LAWS for the TOWN OF PLAINFIELD

## ARTICLE I \* CAUCUSES AND TOWN MEETINGS

Section 1. The Annual Caucus for the nomination of Town Officers shall be held at 7:30 p.m. on the third Wednesday of March.

*(Adopted May 6, 1995 - Amended May 7, 2005)*

Section 2. The Annual Town meeting for the election of officers and action upon the articles of the town warrant shall be on the first Saturday of May, the polls to be open from 12:00 noon to 6:00 p.m., the business session from 1:00 p.m.

*(Adopted March 1, 1975)*

The Board of Selectmen is authorized to postpone the date of the Annual Town Meeting, at its discretion, provided that a notice of its postponement is given at least fourteen days in advance of the date of the Annual Town Meeting and that such new date be no later than the last Saturday in June.

*(Adopted June 1, 1991)*

Section 3. The chairman of every Town Board, Committee or Commission, or his/her designee, shall post notice of the date, time, and place of every meeting, including all topics the chair reasonably anticipates will be discussed, no later than 48 hours prior to the meeting, excluding Saturdays, Sundays, and legal holidays in accordance with M.G.L. Chapter 30A: Sections 20(b) and (c) by notifying the Town Clerk and posting notice at the Town Hall and the Town Offices.

*(Adopted September 13, 2016)*

Section 4. Each article appearing on the warrants at the annual town meeting and special town meetings shall be followed by the notation 'Inserted by:' followed by the name of the board, committee, head of department, officer, or other governmental entity at whose behest the article was included in the warrant. In instances where registered voters have requested the insertion of an article, in place of the name shall be stated: 'Voters' Request'.

*(Adopted May 2, 1992)*

## ARTICLE II \* PROCEDURE OF TOWN MEETING

Section 1. The quorum at the Annual Town Meeting shall consist of twenty-five registered voters of the Town of Plainfield. The quorum at the Town Caucus and Special Town Meetings shall consist of fifteen registered voters of the Town of Plainfield. *(Adopted May 7, 2005)*

Section 2. All Town meeting warrant articles shall be acted upon in the order of their arrangement unless the Moderator in his or her discretion elects to take one or more articles out of order; provided, however, that an objection from the floor shall require the Moderator to call for a vote, whereupon a majority vote shall be required to take any article out of order.  
*(Adopted May 7, 2005)*

Section 3. Any report, resolution or motion shall be reduced to writing if the Moderator so directs.

Section 4. No person shall address the meeting unless recognized by the Moderator, nor speak more than once to the exclusion of any other who may desire to speak.

Section 5. When a report of a committee is placed in the hands of the Moderator, it shall be deemed to be properly before the meeting for action thereon, and a vote to accept the same shall discharge the committee; for the adoptions of the recommendations of the committee, however, a specific vote shall be required.

Section 6. A vote to "table" an item shall leave it for the Moderator or the meeting to call for its consideration later in the meeting; a vote to "postpone indefinitely" shall eliminate it from further consideration at that meeting.

Section 7. No motion, the effect of which would be to dissolve the meeting shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting at a stated time.

Section 8. The duties of the Moderator, not specifically provided by law or these by-laws, shall be determined by the rules of practice contained in Robert's Rules of Order (currently revised), so far as the same is applicable to a Town Meeting.  
*(Adopted May 5, 1977)*

### ARTICLE III \* SELECTMEN

Section 1. The Selectmen shall have full authority as agents of the Town, acting upon advice of counsel, to settle any claims or suits against the Town which, in their judgement, cannot be successfully defended, when the sum to be paid does not exceed five hundred (500) dollars. Any settlement requiring the payment of a sum greater than five hundred (500) dollars except as authorized by law, shall be made only authorized by the voters at town meeting.

Section 2. The Selectmen may appear in the interests of the Town, either personally or by counsel, before any court, committee of the legislature or by state or county board or commission; they shall have full authority, as agents of the

Town, acting upon the advice of counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the Town, and to appear and defend any and all suits and legal proceedings against or involving the Town's interests.

Section 3. The Selectmen shall appoint a Chief of Police and make suitable regulations concerning the Police Department.

Section 3A. The Chief of Police may, at his discretion and based upon the qualifications of the candidate, appoint the Animal Control Officer as a Police Officer for the Town of Plainfield. Provided, that such appointment may not be used to excess any staffing policies of said department or to circumvent the appointment process.

Unless otherwise directed by the Chief of Police, the Animal Control Officer so appointed shall be required to meet and comply with minimum statutory and regulatory requirements of the position held.

A supplemental appointment as a Police Officer is meant to be construed as a condition of employment and may be revoked or rescinded by the Chief of Police at any time.

*(Adopted December 6, 1994)*

Section 4. Unless otherwise provided by vote of the Town Meeting, the Chief Procurement Officer is authorized to enter into contracts for the purchase of supplies and services pursuant to MGL., C. 30B. In addition, the Board of Selectmen is authorized to enter into any other contracts of the exercise for the Town's general corporate powers.

*(Adopted June 1, 1991)*

#### ARTICLE IV \* TOWN CLERK

Section 1. The Town Clerk shall, immediately after each Town Meeting, notify or cause to be notified, any person, elected, chosen or appointed to any town office, or serve on any board or committee of the Town, of his election, choice or appointment.

Section 2. The Town Clerk shall keep and cause to be permanently bound one or more files of the town reports.

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

Section 4. The Town Clerk may adjust the numbering sequence of the BY-LAWS of the TOWN of PLAINFIELD as deemed necessary. *(Adopted September 13, 2016)*

## ARTICLE V \* TOWN TREASURER

Section 1. The Treasurer shall be custodian of all deeds, bonds, and insurance policies belonging to the Town, except that the bonds of the Treasurer shall be in the custody of the Chairman of the Selectmen.

Section 2. The treasurer shall make an annual report which shall contain a statement of the amount received and paid out by him during the year; a full exhibit of all monies, properties and securities which may be placed in his charge by virtue of any statute or by-law or by virtue of any gift, devise, bequest or deposit.

## ARTICLE VI \* GENERAL PROVISIONS GOVERNING ALL DEPARTMENTS

Section 1. No contract involving an obligation of the Town, exceeding the sum of five hundred (500) dollars shall be binding upon the Town unless it is in writing and is signed by at least a majority of the Board or Committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be in the custody of the Town Treasurer.

Section 2. No Board or officer shall make any contract on behalf of the Town the execution of which shall necessarily extend beyond one year from the date thereof unless specific authority to do so has been given by vote of the Town.

Section 3. Every officer in charge of a department shall annually, on or before the fifteenth of January transmit to the Selectmen, in writing, a report containing a statement of the acts and doings in his department for the past fiscal year, to be printed in the annual report as the Selectmen shall deem expedient.

Section 4. All fees, charges, or commissions allowed by law to any officer shall be paid to the Town treasury and belong to the Town, and in each case the town shall pay such officer such compensation as the Town may determine.  
*(Adopted June 13, 1998)*

Unless otherwise provided by law or by express terms of appointment in individual instances, the date of completion of terms for all municipal officers and all members of municipal boards and committees shall be deemed to be June 30 for all terms of one or more years notwithstanding earlier appointment or election of successors for such office or membership.  
*(Adopted May 6, 2006)*

## ARTICLE VII \* DISORDERLY BEHAVIOR

Section 1. No person shall behave himself in a rude and disorderly manner, nor use any indecent, profane or insulting language in any public way or place in the Town.

## ARTICLE VIII \* COLLECTION AND DEALERS IN JUNK AND KEEPERS OF JUNK SHOPS

Section 1. The Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale, barter of junk, old metals, or second hand articles, and no such person shall be a dealers in or keeper of a shop as aforesaid without a license.

## ARTICLE IX \* CONTROL OF DOMESTIC ANIMALS

This Bylaw is adopted under the authority of Massachusetts General Laws c 140, section 147A which the Town accepted on June 11, 1994 and which enables the Town to enact bylaws relative to the regulation of dogs.

### Section 1. *Purpose*

The Town requires that all dog owners keep their dogs under control at all times in order to:

- a. Protect people and animals from injury.
- b. Protect property from damage.
- c. Prevent dog-related nuisances.

### Section 2. *Dog Control Officer*

- a. The Board of Selectmen shall annually appoint a Dog Control Officer and shall annually set the rate of compensation to come out of the Dog Control Officer's account, which shall be subject to the approval of the voters of the Town at the annual town meeting.
- b. The Dog Control Officer shall have the full power and authority to enforce dog laws under Massachusetts General Laws c 140, section 136A through 174D and c 272, section 77 to 80B.

### Section 3. *License Requirements*

- a. Any person owning or keeping a dog over three (3) months of age within the Town of Plainfield shall cause such dog to be registered, numbered, described and licensed by the Town Clerk under the provisions of Massachusetts General Laws c 140, section 137.

- b. Licenses must be renewed annually. The license period begins on April 1 of each year and ends on March 31 of the following year. Such license must be obtained within two (2) months after such owner or keeper first owns or keeps any dog over three (3) months of age.

Section 4. *Unlicensed Dogs*

- a. A late fee of \$10, in addition to the license fee, shall be assessed to the owner or keeper of any dog who remains unlicensed after June 1.
- b. If any such dog remains unlicensed on August 1, sixty (60) days after the due date, the late fee shall be increased to \$25 and the Board of Selectmen shall file a no criminal complaint in district court against the owner or keeper.

Section 5. *Animal Control*

- a. No dog shall be off the premises of the licensed owner unless properly restrained or supervised.
- b. No owner or keeper shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- c. The owner or keeper of any dog, licensed or unlicensed, shall be responsible for any damage done by that dog to the person or property of another as set forth in Massachusetts General Laws c 140, section 155.

Section 6. *Stray Dogs*

- a. The owner or keeper of any dog, found by the Dog Control Officer to be running loose and unsupervised in violation of section 5(a) above or found to be a public nuisance under section 5(b) above, shall be subject to a fine according to the following schedule:
  - 1. 10.00 for the first offense in a calendar year.
  - 2. 25.00 for the second offense in a calendar year.
  - 3. 30.00 for the third or subsequent offense in a calendar year.
- b. The Dog Control Officer shall have the authority to restrain and to confine any stray until the owner or keeper can be located and the fine paid.
- c. The owner or keeper of any dog restrained by the Dog Control Officer in accordance with 6(b) above shall pay, directly to the Dog Control Officer, \$5.00 per day board for any dog the Dog Control Officer must keep overnight.

*(Adopted June 11, 1994)*

## ARTICLE X \* PARKING RESTRICTIONS

Section 1. Winter Parking: There shall be no on-street parking in the Town of Plainfield from November 1 through April 30 inclusive except Church Lane and Union St. The Board of Selectmen may authorize limited parking by special license.

Any such license issued will restrict parking to one side of the street and disallow any on-street parking between the hours of 12:00 midnight and 5:00 A.M. Vehicles found in violation of this by-law may be towed and stored at the owner's expense by a police officer of the Town. Each such vehicle towed will be logged by the police. Such logs shall include but not be limited to the estimated year, color, make, registration and/or vehicle identification number, the time, date, and place from which the vehicle was towed, and the location to where the vehicle was towed as well as who ordered the tow.

In case of an extreme emergency, the Chief of Police or his designee may allow such vehicle to remain for a period of not more than four (4) hours. In no event shall a vehicle be left upon a way where it may obstruct the passage of emergency vehicles. Nor may such a vehicle be left in a position which otherwise impedes the safe and orderly flow of traffic.

Section 1-A. Winter Plowing: No person, other than an employee of the Town highway department acting in furtherance of his or her duties as temporary expediency may require, shall require, shall pile, push, or plow snow or ice onto or across a Town public way or sidewalk so as to impede the flow of traffic on such way or sidewalk or pile, push, or plow snow so as to cause snow and ice to fall upon persons traveling on such ways.  
Any person found in violation of this section of the by-law would be subject to a \$50 fine.

Section 2. No Parking Where View is Obstructed or Where Road Width is Restricted: At no time may any operator park or otherwise leave his vehicle unattended in a position where it is obstructed from view by other drivers or otherwise obstructs the view or safe passage of other motorists which must pass it. In no event may a vehicle be parked so as to restrict the width of the travel way and retard the passage of emergency vehicles. Any vehicles found in violation of this section may be ordered towed and stored at the owner's expense by any police officer of the Town. Each such vehicle towed will be logged by the police. Such logs shall include but not be limited to the estimated year, color, make, registration and/or vehicle identification number, the time, date and place from which the vehicle was towed and the location to where the vehicle was towed as well as who ordered the tow.

Section 3. Blocking of Private Roads and Driveways: No vehicle shall be parked or otherwise left unattended which blocks a private drive or way so as to prohibit the owner or person who has use of the property from entering or exiting such way. Nor may a vehicle be parked or left unattended which limits or retards the

safe access to the property and the passage of emergency vehicles to the involved property(s) from the public way. For the purpose of this section, a vehicle may be ordered removed from a public way or the adjoining shoulder by a police officer of the Town provided that such obstruction is sufficient to deny the aggrieved party access to or from the property or if the vehicle is found, in the officer's opinion, to obstruct the access of emergency vehicles to the property. Vehicles towed pursuant to this section shall be logged by the police. Such logs shall include but no be limited to the estimated year, color, make, registration, and/or vehicle identification number, the time, date, and place from which the vehicle was towed, and the location to where the vehicle was towed as well as who ordered the tow.

*(Adopted June 22, 1996)*

## ARTICLE XI \* FINANCE COMMITTEE

### Section 1. AUTHORITY:

This by-law is adopted under the authority of Massachusetts General Laws C.39, section 16, and under c.41 subsection 59 & 60.

### Section 2. ESTABLISHMENT:

There shall be a finance committee, having the duties and organized in the manner described below. The members shall be uncompensated; provided, however, the secretary may be paid a reasonable salary, subject to an therefore.

### Section 3. COMPOSITION; TERM OF OFFICE:

The finance committee shall consist of at least five voters and no more than nine, who shall hold no other office in which in any given year ordinarily requests or expends public money exceeding one percent of the annual budget of the previous fiscal year; provided, however, that a member of the finance committee may serve in a non-voting capacity on other town boards and committees, except the board of selectmen, if the town by majority vote at the annual town meeting authorizes the creation of such a position. The members shall be appointed for terms not exceeding three years, so arranged that the term of at least one member shall expire each year. A majority of members shall constitute a quorum. The finance committee shall choose its own officers, which shall include a chairperson and a secretary. Members absent from one third of the meetings in any calendar year maybe removed by a two-thirds vote of the other members present and voting.

*(Adopted June 24, 2003)*

### Section 4. APPOINTMENT OF MEMBERS:

The moderator shall appoint the member of the finance committee as soon as practicable after the moderator becomes aware of a vacancy. The chairperson of the finance committee, or if there is no chairperson, the secretary shall notify the moderator in writing of any vacancies as soon as practicable after the



vacancy occurs. Any vacancy shall be filled for the unexpired term. The moderator shall notify the town clerk in writing of every appointment and the length of the term. The moderator shall whenever possible take into account the demographic diversity of Plainfield.

Section 5. DUTIES:

(A) Meetings: The finance committee shall meet at least twelve times each calendar year to consider any and all town questions for the purpose of making reports or recommendations to the town. Meetings shall be called by the chairperson or by any three members who request a meeting in writing delivered to the secretary. The secretary shall notice all meetings and notify the members.

(B) Annual Town Meetings; Preparation of the Annual Budget; and Finance Committee's Annual Report: Not less than ninety days before the date of the start of the annual town meeting, all boards, committees, heads of departments, and other officers of the town authorized by law to expend public money shall furnish to the town accountant, or, if there is no town accountant, to the finance committee the estimates and statements required under M.G.L.A. c.41, section 59.

Immediately upon the close of each calendar year, the town accountant shall compile the statements in tabulated form required under M.G.L.A. c. 41, section 60, and shall forthwith furnish a copy thereof to the finance committee. If there is no town accountant, the finance committee shall compile these statements.

The finance committee shall after due consideration designate the amounts which in its opinion should be appropriated for the ensuing fiscal year, and shall accompany the same with such explanations and suggestions in relation thereto as it may deem desirable for the proper information of the town. The finance committee shall print and distribute at the annual town meeting a line-item budget showing (i) the amounts appropriated for the same purposes in the current fiscal year, (ii) for each purpose the estimates submitted by the boards, committees, heads of departments, and other officers of the town for the ensuing fiscal year, and (iii) for each purpose the amounts which the finance committee recommends be appropriated for the ensuing fiscal year.

The finance committee shall append to the line-item budget a report consisting of statements explaining in reasonable detail all significant changes as to estimates for the ensuing fiscal year from amounts appropriated for the same purposes in the current fiscal year. The finance committee shall also include within the report statements explaining in reasonable detail the basis for all recommendations significantly differing from estimates for the ensuing fiscal year. The finance committee shall also include within the report, or may include on the warrant, its recommendations, which may be withheld or deferred, on all articles which involve appropriations, transfers from existing funds and accounts, capital acquisitions, necessary outlays, and permanent

improvements. The finance committee may also include within the report any other reports or recommendations on municipal questions it deems desirable for the proper information of the town.

Whenever practicable the finance committee shall distribute these documents at least seven days before the annual town meeting. Distributing these documents before the town meeting shall be accomplished by depositing a reasonable number of copies with the town clerk.

( C ) Special Town Meetings and Special Finance Committee Reports: Not less than fourteen days before any special town meeting for which warrant articles, transfers from existing funds and accounts, capital acquisitions, necessary outlays, and permanent improvements, the board of selectmen shall to the finance committee statements explaining in reasonable detail the reasons for such warrant articles. Thereafter the finance committee may meet as soon as it is practicable duly to consider such warrant articles and may prepare a report containing such explanations and suggestions In relation thereto as it may deem desirable for the proper information of the town.

( D ) Hearings: At least seven days before the annual town meeting and every special town meeting, the finance committee shall hold one or more hearings to discuss all warrant articles involving appropriations, transfers from existing accounts, capital acquisitions, necessary outlays, and permanent improvements. This provision shall be deemed directory.

( E ) Annual Town Report: The chairperson or secretary shall cause to be published in the annual town report an account of the finance committee's doings, including, (i) the number of times the finance committee met during the calendar year, (ii) number of times the finance committee held hearings during the calendar year, (iii) the names of all members who served at any time during the calendar year, (iv) the expiration dates of the terms of all current members.

#### Section 6. DUTY OF COOPERATION:

As the finance committee may from time to time require, all boards, committees, heads of departments, and other officers of the town authorized by law to expend public money shall promptly furnish such information, assistance, and explanations necessary to the performance of the aforementioned duties. All boards, committees, heads of departments, and other officers of the town authorized by law to expend public money shall reasonably furnish to the finance committee copies of all articles submitted to the board of selectmen for inclusion in the warrants for the annual town meetings and special town meetings.

*(Adopted May 2, 1992)*

## ARTICLE XII \* MANDATORY RECYCLING

Section 1. There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town of Plainfield.

Section 2. Recyclables are hereby defined as discarded material which may be reclaimed and which are considered saleable and recyclable by the Town of Plainfield.

For the purpose of this By-law, they are defined in the following categories:

a. Aluminum: Cans made from aluminum, aluminum foil, aluminum wrappers and containers or trays used in the packaging, preparation or cooking of prepared dinners, pies, cakes or other foods.

b. All unbroken jars and bottles, or similar products made from silica or sand, soda, ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding:

1. Flat glass and glass commonly known as window glass;
2. Dishes and crockery.

c. Ferrous Metal Cans: All containers composed in whole of iron or steel and so-called "tin" cans used for packaging or storing of various food and non-food items, EXCEPT containers which contain paint or petroleum based solvents and any pressurized aerosol cans.

d. Clean and Unsoiled Newspaper: Including newsprint, all newspaper advertisements, supplements, comics, and enclosures, magazines and books (no hard covers). Newspapers shall be considered clean and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling. Persons may wrap solid waste in used newspapers and discard the same with regular solid waste even if such wrapping does not render the newspaper unusable for recycling.

e. Corrugated Paper: Corrugated boxes, cardboard, cardboard cartons, pasteboard and similar corrugated and craft paper materials.

Section 3. a. Recyclable papers are to be deposited in the container so identified at the Town Transfer Station. They need not be bundled or separated as to type.

b. Corrugated boxes and cardboard containers must be flattened and placed in the container so identified at the Town Transfer Station.

c. All essentially empty containers of glass (any color) and metal cans must be Placed in the container so identified at the Town Transfer Station.

d. Aluminum wrap and containers are to be deposited in the container so

identified at the Town Transfer Station.

Section 4. Once deposited in the proper container at the Town Transfer Station, all materials become the property of the Town of Plainfield.

Section 5. a. Violation of any section of this By-law, or any part thereof, shall be punishable by a fine not to exceed \$50.00 per violation.  
b. The board of Selectmen will be charged with the responsibility of enforcing this By-law and authorized to adopt additional regulations from time to time.

Section 6. Effective Date: This By-law shall be in effect after the Board of Selectmen has published a public notice detailing the procedures and starting date(s). The Board of Health shall recommend to the Board of Selectmen the procedure to separate marketable, hazardous and reusable items from the waste stream before the opening of the Materials Recovery Facility in Springfield, or any other agreement entered into by the Town which requires mandatory recycling.  
(Adopted June 17, 1989)

#### ARTICLE XIII \* BUILDINGS COMMITTEE

Section 1. *Establishment.* There shall be a buildings committee.

Section 2. *Composition; Appointment.* The buildings committee shall consist of five voters, who may hold other town offices. The committee shall consist of three public members appointed by the moderator and one other member each from each of, or appointed by each of, the Board of Selectmen and the Finance Committee.

Section 3. *Term of Office.* The three public members shall serve terms not exceeding three years so arranged that they shall not expire in the same year. The other members shall serve at the pleasure of the body appointing them.

Section 4. *Powers and Duties.* The buildings committee shall have charge of and control over the construction, renovation, repair, care, and maintenance of all town buildings and the erection of other structures on and care and maintenance of the grounds surrounding town buildings. At their first meeting after the beginning of each fiscal year, the committee shall elect a chairperson and a secretary. Three members may at any time remove either the chairperson or the secretary, or both, for cause.

The chairperson shall be deemed a procurement officer within the meaning of the Uniform Procurement Act, Massachusetts General Laws c. 30B, subsection 1-19, as amended, and shall, subject to the provisions of the Act, have full authority to enter into such contracts for the procurement of supplies and services as in the committee's judgement are reasonably necessary or convenient for the performance of their duties. In addition, the chairperson shall have full authority to enter into such contracts of employment as the

committee in their judgement deem reasonably necessary or convenient for the Performance of their duties. *Provided, however,* The chairperson shall not enter into any contract unless the majority of a quorum of the committee convened at a duly noticed meeting have first authorized him or her so to do; and *further provided,* that no contract shall incur liability in excess of the appropriation therefore.

Section 5. *Filling of vacancies.* Whenever a vacancy occurs on the buildings committee, the person or body that appointed the member whose position is vacant shall fill the vacancy within thirty days.  
(Adopted June 11, 1994)

#### ARTICLE XIV \* POLICY FOR POLICE DETAIL OR DUTY

Section 1. All detail work must be assigned to Plainfield Regular Officers first. Any positions not able to be filled by Plainfield regular Officers will be assigned, as designated by the Plainfield Chief or his/her designee, from other qualified police departments which could include officers from other towns and/or state police or other qualified personnel.  
(Adopted June 11, 1994)

#### ARTICLE V \* NUMBERING BUILDINGS

Section 1. Buildings are to be numbered. Every owner, occupant, or person having control of any dwelling, house, or building used for business or industry on or near any public or private way within the Town of Plainfield shall at their own expense cause said building to be numbered with figures at least three inches in height, reflective and conspicuously placed on said building according to the directions of the Fire Chief of the Town of Plainfield, or his designee.  
Also, that if the numbers so placed on a building are or would not be visible from the roadway year-round, then such numbers shall be placed at some other place visible from the roadway year-round.  
If there is any question whether or not a building should bear a street number, this question shall be resolved by the Fire Chief, or his designee, in the Town of Plainfield.

Section 2. Manner of numbering. The numbering of streets in the Town of Plainfield shall begin at the Ashfield town line on East Main Street. The direction of numbers shall run on East Main Street, Main Street, and West Main Street to the Savoy town line. All streets running off the above named streets shall be numbered away from said streets and all other streets running off any other principal street, other than those named above, shall be numbered going away from the principal street from which it leads.  
On all streets, the odd numbers shall be on the left side of the street and the even numbers on the right side of the street. The right and left side of the street shall be determined by facing in the direction in which the numbers are

to run.

A number shall be assigned for each 100 feet of space facing the front of any street, except the village, where 50 feet will be left from 214 East Main Street to the Hill Street intersection at 381 West Main Street and from the Pleasant Street intersection at 197 South Central Street to 155 North Central Street.

Any dwelling, house, or building shall be considered to be located on the street from which the driveway, or entrance to the premises, enters. The number assigned shall be determined by the place where the driveway enters the street.

All questions as to what is the principal street and the direction in which the numbers shall run shall be resolved by the Fire Chief or his designee.

Section 3. The Master Street Address Guide Committee shall assign a street number for every newly constructed dwelling, house or building used for business or industry or whenever it finds a number in use is incorrect, but shall not have the authority to re-number a street unless ordered to do so by the Planning Board. The Building Inspector shall notify the committee when a building permit is issued to a building eligible to be numbered.

New streets shall be numbered in accordance with the provisions of Section 2 of this by-law.

*(Adopted May 6, 2000)*

Section 4. Penalties. Any owner, occupant, or person having control over any dwelling, House or other building to which a street number is assigned, who shall refuse or neglect to comply with the provisions of this by-law, after notice is received in writing by such owner, occupant, or person, of the number or numbers assigned said building by the Fire Chief or his designee, shall receive a letter to the effect that, if the by-law is not complied with within 10 days, he shall, for each and every offense, forfeit and pay a penalty of twenty dollars per day.

*(Adopted May 1, 1993)*

#### ARTICLE XVI \* DENIAL, REVOCATION, SUSPENSION OF LOCAL LICENSES AND PERMITS

Section 1. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other records of all municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issued licenses or permits including renewals and transfers, a list of any person, cooperation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board.

Section 2. The licensing authority may deny, revoke or suspend any license or permit,

including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. The list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, 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 proceedings at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

Section 3. 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 by giving notice and sharing as required by applicable provisions of law.

Section 4. 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 member of his immediate family, as defined section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

Section 5. This by-law shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section 11 A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children's work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred forty; fishing, hunting, trapping licenses, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permit, section one hundred and eighty-one of chapter one hundred and forty.

Section 6. A town may exclude any license or permit from this section by-law.  
*(Adopted June 27, 1995)*

## ARTICLE XVII \* AGRICULTURAL COMMISSION

There shall be an Agricultural Commission. Said Commission, once appointed, shall develop a work plan to guide its activities. Such activities include, but are not limited to the following: shall serve as facilitators for encouraging the pursuit of agriculture in Plainfield, shall promote agriculture-based opportunities in Town, shall act as mediators, advocates, educators and/or negotiators on farming issues, shall work for the preservation of prime agricultural lands, shall pursue all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Plainfield.

The Commission shall consist of five members, all of which should have their Primary Residence in the Town of Plainfield, and one alternate appointed by the Board of Selectmen. The Commission will consist of a minimum of three members who are actively engaged in agriculture in Plainfield and another two members who are interested and/ or involved in farming. Two members for a term of three years, two members for a term of two years and three years thereafter, and one member for a term of one year and three years thereafter.  
*(Adopted May 6, 2006)*

## ARTICLE XVIII \* RIGHT TO FARM BY-LAW

### Section 1. **Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded all citizens of the Commonwealth under article 97 of the Constitution and all state statutes and regulations thereunder including, but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9: chapter III, Section 125-A and Chapter 128, Section 1A. We the citizens of the Town of Plainfield restate and republish these rights pursuant to the town's authority conferred by Article 89 of the Articles of Amendments of the Massachusetts Constitution ( Home Rule Amendment).

This General By-law is intended to encourage the pursuit of agriculture, promote agriculture-based economic opportunities, and protect farmlands within the Town of Plainfield. By formally stating our support of agriculture, and by informing all incoming residents of our community of our commitment to maintaining our agricultural community, the Town of Plainfield hopes to minimize conflict between farmers and their abutters and other Town agencies, thereby helping to sustain agriculture as a vital part of our rural community. This By-law shall apply to all jurisdictional areas within the Town. This By-law shall be enacted within the limits of all state and federal laws. The Agri-



cultural Commission shall be included in the decision making process in all matters relating to agriculture that may come before any other Town officials, committees, commissions or boards.

## Section 2. **Definitions**

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

The term “commercial agriculture” shall describe any farming activities carried out with the intention of making a profit.

The term “non-commercial agriculture” shall include, but not be limited to, any not-for-profit agricultural pursuit, including subsistence farming, hobby farming, homesteading, livestock keeping, gardening and any other farming activity carried out for personal use.

This By-law is intended to uphold and protect the rights of both commercial and non-commercial farmers.

The words “farming” or “agriculture” and 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, aquacultural, arboricultural, floricultural, viticultural, or horticultural commodities
- . growing and harvesting of forestry products on forest land, and any other forestry or lumbering operations;
- . keeping and/or raising of livestock including, but not limited to, horses, poultry, swine, cattle, sheep, goats, ratites (such as emus, rheas, and ostriches), and camelids (such as llamas and camels), fish and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

Farming and agricultural “activities” 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 , insects, weeds, predators and disease organisms of plants and animals;
- . application of manure, fertilizer, and pesticides;
- . conducting of agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to the marketing of the agricultural output services of the farm;

- . processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- . maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farmer, used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- . on-farm relocation of earth and the cleaning of ground for farming operations.

### Section 3. **Right-to-Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Plainfield. 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 normally accepted responsible agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal responsible practice of agriculture is 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 to those agricultural and farming activities conducted in accordance with generally accepted responsible agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring an interest in land or as imposing any land-use regulation, which is properly the subject of state statute, regulation or zoning law.

The intention of the By-law is to ensure that new residents in the Town of Plainfield shall be prepared to co- exist with existing farm activities. Additionally, it is the intent of this By-law to support the rights of new and/or changing farming operations being established in existing neighborhoods.

It is not the intention of this By-law to defend or uphold agricultural practices outside the realm of accepted good and responsible farming practices, such as cases of profound neglect, chemical pollution or chemical drift, or non-compliance with state and federal conservation and wetlands preservation laws. In keeping with the Town of Plainfield's May 2003 Warrant Article 20, this Right to Farm By-law upholds the concerns expressed about the use of genetically modified crops and seeds, and the concerns regarding the possible contamination caused by pollen drift of genetically modified crops and seeds.

### Section 4. **Disclosure Notification**

Upon entering into a purchase and sale contract, or prior to the exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property located in the Town of Plainfield, the landowner shall present the buyer or occupant with a copy of this By-law.

In addition to the above, copies of this By-law shall be available at the Town

Office.  
(Amended May 3, 2008)

The Town is also authorized to post signs at entry points into the Town of Plainfield, stating that Plainfield is a Right to Farm Community.

#### **Section 5. Resolution of Disputes**

(Applicable once there is an established Agricultural Commission)  
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending on 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 shall 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.  
(Amended May 2, 2009)

The Board of Health, except in cases of imminent danger of public health risk, shall 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 recommendation to the Board of Health within an agreed upon time frame.  
(Amended May 2, 2009)

#### **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 the By-law. The Town of Plainfield hereby declares the provisions of this By-law to be severable; or take any action relative thereto.  
(Approved May 6, 2016)

### **ARTICLE XIX \* STRETCH ENERGY CODE**

#### **Section 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 9th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

## Section 2: **Purpose**

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 new buildings.

## Section 3: **Applicability**

This code applies to residential and commercial buildings, for building permit applications submitted on, or after January 1, 2017. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

## Section 4: **Stretch 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 Plainfield By-laws, Article XX.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.  
(Approved September 13, 2016)

## ARTICLE XX \* PENALTY

Section 1. Whoever violates any of the provisions of these by-laws, unless otherwise specifically provided therein, or otherwise provided by law, shall be punished with a fine of not more than twenty (20) dollars.

## ARTICLE XXI \* AMENDMENTS

Section 1. Notice having been given, in the warrant calling for the meeting, designing in general terms the area of discussion, new by-laws may be adopted or old ones amended by a two-thirds majority vote at any town meeting.

*Approved June 11, 1963*  
by Edward W. Brooke  
Attorney General