



Town of Rowe

FRANKLIN COUNTY

Massachusetts 01367

Settled as Myrifiel 1763 – Incorporated as Rowe 1785

GENERAL BYLAWS

Revised September 19, 2022

ARTICLE I
GENERAL PROVISIONS & ENFORCEMENTⁱ

- Section 1: All previous By-Laws, or parts of By-Laws, of the Town of Rowe are hereby repealed and annulled, but the provisions of these By-Laws previously in force shall be construed as a continuation thereof.
- Section 2: The repeal of a By-Law shall not affect acts done, ratified or confirmed, or any right accrued or established nor affect any punishment, penalty or forfeiture incurred under such By-Law.
- Section 3: The penalty of breach of any of the herein By-Laws shall be Fifty Dollars (\$50.00) for each offense, with the understanding that each day the violation continues after written notification by the Board of Selectmen may be counted as a separate offense.
- Section 4: With respect to their legality, each section of these By-Laws is separable.
- Section 5: Except as otherwise noted, the Board of Selectmen shall enforce these By-Laws.ⁱⁱ

ARTICLE II
TOWN MEETINGS AND ELECTIONS

Section 1: The annual Town Meeting shall be held on the second Monday of May in each year; and election day on the following Saturday or a day within two weeks of the annual meeting as designated by the Selectmen, and on said election day there shall be elected by ballot in accordance with Massachusetts General Laws, Chapter 41, §6 and §7ⁱⁱⁱ, the following Town officers:

- A Moderator for three (3) years, when required
- A Clerk for three (3) years
- A Tax Collector for three (3) years, when required
- One Selectman for three (3) years
- One Assessor for three (3) years
- One Member of the School Committee for three (3) years
- One Library Trustee for three (3) years
- One Member of the Park Commission for three (3) years
- One Member of the Cemetery Commission for three (3) years
- One Constable for three (3) years
- One Auditor for one (1) year
- One Member of the Planning Board for five (5) years
- One or Two Members (as required) of the Finance Committee for three (3) years

Section 2: The presence of at least fifteen (15) qualified voters shall be required at any town meeting to act on any motion except a motion to adjourn.

Section 3: The warrant for the annual town meeting shall not be closed earlier than thirty (30) days before the time of holding of said meeting. All warrants for town meetings whether annual or special, shall be served by posting attested copies of the same in two public places in the town at least fourteen (14) days before the time of holding said meeting.

Section 4: The Board of Selectmen^{iv} shall notify all Town voters of all special town meetings called by sending them at least one week in advance of said date written notice giving the date, time and place of said meetings, notice to include a summary of all articles to be voted on at said meeting.

Section 5: The annual Town Report shall be made available to the voters not less than seven (7) days before the date of the annual meeting.

Section 6: All persons present at any town meeting shall, while the meeting is open, be seated when requested by the Moderator.

Section 7: At any town meeting any person who addresses the Moderator shall rise and stand while s/he^v is speaking.

- Section 8: At any town meeting no one shall interrupt another person while s/he is speaking, except to call him/her to order^{vi}.
- Section 9: Any person making a motion or amendment shall reduce it to writing when requested to do so by the Moderator.
- Section 10: At any town meeting no person shall speak on the same subject more than twice without leave of the meeting except to explain or call to order.
- Section 11: In all cases no new motion shall be made while one is pending, excepting a motion to amend, to commit, or to adjourn.
- Section 12: When two or more motions are made in regard to the same subject relating to sums of money, numbers or time, the question shall be first put upon the largest sum or number or the longest time.
- Section 13: All votes, unless otherwise provided by law or by decision of the Town Moderator, shall be taken in the first instance of “Yes” or “No” voice votes. A secret ballot will be taken on any question before a Town Meeting if requested by any voter and approved by a vote of ten percent (10%) of voters present at the meeting.
- Section 14: Any person, providing s/he voted in the majority or not at all, may move for the reconsideration of a vote after giving notice of his/her intention in open meeting within one half (1/2) hour of the original vote and at least one half (1/2) hour before making such a motion.^{vii}
- Section 15: It shall be the duty of the Town Clerk immediately after every meeting to notify in writing all officers or members of committees who were elected or appointed at such meeting, and also to notify all Officers, Boards and Committees of all votes passed at such meeting in any way affecting their official duties.
- Section 16: Any one of the By-Laws under Article II, except Sections 1, 2, 3, and 4, may be suspended, by vote of two thirds (2/3) of the voters present, at any legally called Town Meeting, for the length of time not exceeding the continuance of the meeting at which such vote may be passed.

ARTICLE III
GENERAL GOVERNMENT

Section 1: Board of Selectmen & General Government^{viii}

- A. The Board of Selectmen^{ix} shall have the general direction and management of the property of the Town and all matters affecting the interest or welfare of the Town, except as otherwise provided by law or by these By-Laws.
- B. The Board of Selectmen^x shall act as town agents, and have authority as agents and officers of the Town to appoint and employ a town counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof except where otherwise provided by law.
- C. The Board of Selectmen^{xi} shall be the agents of the Town to institute, prosecute and defend any and all claims, actions, suits and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved, and may, in their discretion, compromise or settle any claim, action, or suit to which the Town is a party, unless otherwise required by law.
- D. Except as otherwise provided by law, the Board of Selectmen shall have custody of Bonds, Deeds, Contracts, Insurance Policies and other legal documents owned by the Town. They shall have all important town records microfilmed biannually. In accordance with Massachusetts General Laws, Chapter 66, all public records of the Town shall be kept in the Town Office Safe, or other fire-proof storage place provided by the Board of Selectmen, to ensure the highest degree of protection from loss or destruction. Said records shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.^{xii}
- E. The following Officers for the Town shall be appointed by the Board of Selectmen:
 - Highway Superintendent
 - Assistant Highway Superintendent
 - Fire Chief
 - Forest Fire Warden
 - Chief of Police
 - Special Police Officers
 - Zoning Board of Appeals (5)
 - Building Inspector and Alternate
 - Building Code Board of Appeals (five members: one architect, one engineer, three contractors)
 - Wiring Inspector
 - Plumbing Inspector
 - Register of Voters (4)
 - Conservation Commission (5)
 - Health Agent and Sanitarian
 - Civil Defense Director

- Public Health Nurse
 - Nursing Committee
 - Dog Officer
 - Pound Keeper
 - Animal Inspector
 - Tree Warden
 - Superintendent of Insect Pest Control and Elm Disease Control
 - Selectmen's Administrative Clerk
 - Franklin County Home Care Corporation Representative (2)
 - Franklin County Community Action Representative
 - Measurer of Wood, Bark and Lumber (3)
 - Fence Viewers (2)^{xiii}
- F. Any official or board of the Town may, with the approval of the Board of Selectmen, if said official or board deems it to be in the best interest of the Town sell to the highest bidder after seven days' notice by public posting of intention to sell, any article or personal property of which such official or board has custody and control, providing the fair market value of said article does not exceed Five hundred Dollars (\$500).^{xiv}
- G. All conveyances of Town land or interests in land shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town seal.
- H. Unless otherwise provided by vote of Town Meeting, the Chief Procurement Officer is authorized to enter into contracts for the purchase of supplies and services pursuant to Massachusetts General Laws, Chapter 30B. In addition, the Board of Selectmen is authorized to enter into any other contracts for the exercise of the Town's general corporate powers.^{xv}
- I. The Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 82A, §2, shall designate the Board or Officer to issue permits for the purpose of creating a trench as that term is defined by Massachusetts General Laws, Chapter 82A, Section 4 and 520 CMR (Code of Massachusetts Regulations) 14.00 and the Board of Selectmen shall have the authority to establish fees for the issuance of such permits.
- J. The Town Building Inspector shall be appointed yearly by the Selectmen. He shall also serve as the Zoning Enforcement Officer. He shall enforce all laws and regulations relating to compliance with zoning ordinances, to the construction, alteration, repair, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided. He shall inspect all building operations within the Town, and shall have the right of entry at reasonable hours. He shall require that types and methods of construction shall be in accordance with the State Building Code. The Town Building Inspector shall also be responsible for the inspection of all public buildings in accordance with the State Building Code, and on completion of such inspection shall issue certificates of inspection which shall be posted in such public buildings.^{xvi}

Section 2: Board of Health^{xvii}

The Board of Health shall consist of three members to be elected. It shall have the powers and duties as set forth in Massachusetts General Laws, Chapter 111 and other applicable laws. The Board of Health shall appoint the Public Health Nurse, the Health Agent, and the Transfer Station Attendant. The Board of Health shall maintain the Refuse Garden and the Transfer Station.^{xviii}

Section 3: School Committee^{xix}

The School Committee shall have the powers and duties set forth in Massachusetts General Laws, Chapters 71, 72, 74, and 76 and other applicable laws regarding the superintendence and management of all schools and school matters in the Town. The School committee shall have the care, management and control of all school buildings, school grounds, and all other school property, except insofar as the same may be voted at any town meeting. The School Committee shall annually appoint one of their number to serve as representative of the Mohawk Trail Regional School Committee. The Town Moderator shall appoint the representative to the Franklin County Technical Vocational School committee.^{xx}

Section 4: Finance Committee^{xxi}

In accordance with Massachusetts General Laws, Chapter 39 §16, there shall be a Finance Committee consisting of five members which shall consider all municipal questions relating to appropriations and may consider any municipal question for the purpose of making reports and recommendations to the Town. This committee shall submit its recommendations and report to each town meeting, annual or special. Two members of said committee shall be elected on each of two consecutive years and one on the third year by ballot at each annual town election. No member of the Board of Selectmen or the School Committee shall be eligible to serve on said committee. Members of the Finance Committee holding other town offices or positions must recuse themselves on all matters pertaining to that department. The Finance Committee shall have the powers and duties delegated to it by said Section 16 and other applicable laws including the duty of submitting a budget for the annual Town Meeting and such recommendations shall be printed on the annual Town Meeting warrant.^{xxii / xxiii}

Section 5: Treasurer-Collector^{xxiv}

- A. The Board of Selectmen shall appoint a treasurer-collector for a term of three years, who shall be bonded, and who shall have all powers and duties under Massachusetts General Laws, Chapter 41.
- B. The treasurer-collector may, with approval of the Board of Selectmen, appoint an assistant treasurer-collector in accordance with Massachusetts General Laws, Chapter 41, §39A.

Section 6: Board of Park Commissioners^{xxv}

The Board of Park Commissioners shall have three members, who shall serve three-year terms, one being elected on each of three consecutive annual elections. The Park Commissioners shall have the powers and duties set forth in Massachusetts General Laws, Chapter 45 and other applicable laws, including the authority to make rules and regulations governing the use of the parks of the Town. They will maintain the land received by the Town of Rowe as a gift from Percy Brown under the terms of said gift for the benefit of the people of Rowe.^{xxvi}

Section 7: Conservation Commission^{xxvii}

The Conservation Commission shall consist of five members appointed by the Board of Selectmen and it shall have the powers and duties as set forth in Massachusetts General Laws, Chapter 40 §8C and other applicable laws.^{xxviii}

Section 8: Board of Cemetery Commissioners^{xxix}

The Board of Cemetery Commissioners shall have the powers and duties as set forth in Massachusetts General Laws, Chapter 114 and other applicable laws regarding the care, superintendence and management of all public burial grounds in the Town.^{xxx}

Section 9: Board of Library Trustees^{xxxi}

The Board of Library Trustees shall have the powers and duties set forth in Massachusetts General Laws, Chapter 78 and other applicable laws regarding the care, superintendence and management of the Rowe Town Library. They shall have the power to appoint the Town Librarian.^{xxxii}

Section 10: Board of Assessors^{xxxiii}

The Board of Assessors shall have the powers and duties set forth in Chapter 40, 41, 58 and 59 of the General Laws and other applicable laws regarding the assessing of all properties in the Town. They shall have the power to appoint the Assessor's Administrative Clerk.^{xxxiv}

Section 11: Planning Board^{xxxv}

A. The Planning Board shall have the powers and duties set forth in Massachusetts General Laws, Chapters 40A, 41 §81A to 81GG and all other applicable laws. They shall a) make an annual report, b) approve or disapprove Subdivision proposals, c) approve or disapprove applications for special permits, and they may make studies, plans, including a master plan, and submit them to the Board of Selectmen and/or the Town Meeting.^{xxxvi}

- B. The Planning Board shall have authority to hire such legal counsel as it deems necessary and appropriate, subject to a prior appropriation of Town Meeting specifically for such purpose.^{xxvii}

Section 12: Town Clerk

- A. The Town Clerk is authorized, only after consultation with the Board of Selectmen for purposes of clarity, to assign appropriate numbers or letters to bylaw sections, subsections, paragraphs, and sub-paragraphs, and also to make non-substantive editorial revisions to the bylaw for the purpose of ensuring consistent, appropriate sequencing, numbering, and non-substantive edits, provided that such editorial revisions shall be identified by a footnote or other convention without Town Meeting Approval.
- B. Any individual appointed to a position that has not been sworn in by the Town Clerk, Moderator, or a Justice of the Peace within 60 days of their appointment shall be deemed to have declined the position.^{xxxviii}

Section 13: Departmental Revolving Funds

A. Purpose

This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44 § 53E1/2.

B. Expenditure Limitations

An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

1. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers.)
2. No liability shall be incurred in excess of the available balance of the fund.
3. The total amount spent during a fiscal year shall not exceed the amount authorized by this bylaw or by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

C. Interest

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

D. Procedures and Reports

Except as provided in Massachusetts General Laws Chapter 44 §53E1/2 and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

E. Authorized Revolving Funds

The Table establishes:

1. Each revolving fund authorized for use by a town department, board, committee, agency or officer.
2. The department or agency head, board, committee or officer authorized to spend from each fund.
3. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
4. The expenses of the program or activity for which each fund may be used.
5. Any restrictions or conditions on expenditures from each fund.
6. Any reporting or other requirements that apply to each fund, and
7. The fiscal years each fund shall operate under this by-law.

(Table located on next page)^{xxxix}

Revolving Fund	Entity Authorized to Spend from Fund	Fees, Charges, or Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Emergency Dispensing Site	Board of Health	Receipts Related to the Emergency Dispensing Site Operations	Dispensing medicines or medical supplies during an emergency	Limit of \$1,000.00		Fiscal Year 2019 and Subsequent Years
Recycling Program	Board of Health	Receipts Related to the Recycling Program	Operation of solid waste and recycling programs, membership in and services of the Franklin County Solid Waste Management District, and the purchase of recycled content or environmentally preferable products	Limit of \$5,000.00		Fiscal Year 2019 and Subsequent Years
Vaccine Services	Board of Health	Receipts from Insurance Billing	Vaccine Services	Limit of \$6,000.00		Fiscal Year 2019 and Subsequent Years
School Programs	School Committee	Fees for School Programs	Offset Department Costs of School Programs	Limit of \$10,000.00		Fiscal Year 2019 and Subsequent Years
Old Home Day	Old Home Day Committee	Receipts Generated by Old Home Day Activities and Programs	Expenses of Old Home Day	Limit of \$5,000.00		Fiscal Year 2019 and Subsequent Years
Refuse Garden	Board of Health	Receipts Related to the Refuse Garden Operations	Operation of the town Refuse Garden	Limit of \$5,000.00		Fiscal Year 2021 and Subsequent Years
Planning Board Legal/ Consulting	Planning Board	Receipts Related to Fees for Special Permits and Other Work of the Planning Board	Legal consultation and representation	Limit of \$50,000.00		Fiscal Year 2021 and Subsequent Years
Park Programs	Park Commission	Receipts Related to Park Programs	Operation of programs run by the Pelham Lake Park	Limit of \$2,000.00		Fiscal Year 2021 and Subsequent Years

Section 14: Rowe Right-to-Farm Bylaw^{x1}

A. Legislative Purpose and Intent

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 there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Rowe 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").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Rowe 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.

B. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or related activities 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, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- keeping of horses as a commercial enterprise; and
- keeping and raising of domestic livestock, including horses, poultry, swine, goats, sheep, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), bees, fur-bearing animals, and other domesticated animals for food and other agricultural purposes.

"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, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;

- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or 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 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.

C. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Rowe. 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 agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal 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 exclusively to those 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 interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

D. Disclosure Notification

Within 30 days after this by-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall and make available for distribution the following disclosure:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.”

E. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, 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 Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, involving all concerned parties, 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, 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 Board of Health within an agreed upon time frame.

F. 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 Rowe hereby declares the provisions of this By-law to be severable.

Section 15: Stretch Energy Code^{xli}

A. Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building 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. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

B. Purpose

The purpose of 780 CMR 120.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.

C. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

D. Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

E. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Rowe General Bylaws, Article III, General Government.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

ARTICLE IV
LICENSES AND PERMITS

Section 1: No person shall go from house to house selling or offering to sell by sample, lists, catalogues or otherwise for future delivery, nor shall any person go from place to place within the Town begging or soliciting alms or contributions for any person, cause or organization, without first having recorded his name and address with the Board of Selectmen and furnished such other information as may be required of him, and obtaining a permit from the Board of Selectmen. The Board of Selectmen may, if satisfied with the honesty of the applicant, issue a written permit for a period not exceeding twelve (12) months, which must be shown to any person requesting the same, and shall state that said person has duly registered and is entitled to go from place to place within the Town for the reason specified. The Board of Selectmen may, however, authorize the directors of any organization engaged in social, charitable, religious or educational service to solicit contributions without having each solicitor under their direction registered.^{xlii}

Section 2: No person shall obstruct any highway or street of the Town except under license granted by the Board of Selectmen. The Board of Selectmen may grant licenses in writing for the obstruction of any part of the highways or streets of the Town, or for such excavations of the same as may be needful, for the purpose of erecting, repairing, altering, or removing any building, or for the laying of water, drain or waste pipes or for any other purpose which to them may seem reasonable. Every person receiving such license shall execute a written agreement to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, on account of the existence of such obstruction or excavation, and the Board of Selectmen may impose such conditions and limitations as they shall see fit in respect to erecting barricades, maintaining lights, and taking other precautions for the safety of travelers.^{xliii}

Section 3: No person shall, without a written permit from the Board of Selectmen, connect any private drain or sewer with a public drain or sewer.

Section 4: No person shall burn brush without permission, from the Town Forest Fire Warden or one of his/her deputies, for that date. Such burning shall be permitted only during the dates designated by the State for such burning. The Town Forest Fire Warden and his/her deputies shall keep a record of having given such permission.^{xliv}

Section 5: Licensing Restriction Bylaw

A. Furnishing of list of delinquent taxpayers by Tax Collector.

The tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or

permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

B. Denial, revocation or suspensions of licenses and permits.

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 or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by 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 law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, 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 for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

C. Payment agreements; limitations on license or permit.

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. Waivers.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its

officers or stockholders, if any, or members of his immediate family, as defined in Massachusetts General Laws Chapter 268A, §1, in the business or activity conducted in or on said property.

E. Nonapplicability.

This bylaw shall not apply to licenses or permits for open burning (Chapter 48, §13); bicycles (Chapter 85, §11A); sales of articles for charitable purposes (Chapter 101, §33); children work permits (Chapter 149, §69); clubs or associations dispensing food or beverage licenses (Chapter 140, §21E); dog licenses (Chapter 140, §137); fishing, hunting, trapping licenses (Chapter 131, §12); marriage licenses (Chapter 207, §28); theatrical events and public exhibition permits (Chapter 140, §181); and any other local license or permit which the Town chooses to exclude from this bylaw by further amendment to this bylaw.

ARTICLE V^{xliv}
INSPECTION OF BUILDINGS

- Section 1: The provisions of these regulations shall relate to the construction, alteration and maintenance of buildings and other structures within the limits of the Town of Rowe and the purpose and intent of such regulations shall be the prevention of fire and the preservation of life and health in accordance with Massachusetts General Laws, Chapter 143 and other applicable laws.^{xlvi}
- Section 2: It shall not be lawful to construct, alter, remove, demolish or change the class of occupancy of any building or structure without first filing with the Town Building Inspector an application in writing and obtaining a permit. An application for a permit shall be submitted in such form as the Building Inspector may prescribe and shall be made by the owner or his duly authorized representative. In existing buildings, minor, non-structural repairs may be made without filling an application or obtaining a permit.
- Section 3: The Building Inspector shall act upon all applications for a permit without unreasonable or unnecessary delay. In the event that s/he does not act on an application for a permit within sixty (60) days after the filing of such proper application for a permit, the applicant shall be notified as to the reason for the delay and be informed as to the date when such action will be taken.^{xlvii}
- Section 4: Upon notice of an unsafe building, the Building Inspector shall proceed in accordance with the provisions of Massachusetts General Laws, Chapter 143, §6 through §14.^{xlviii}

ARTICLE VI^{xlix}
MISCELLANEOUS

- Section 1: No owner or person having the care of any sheep, swine, horses, oxen, cows or other grazing animals or fowl shall permit or suffer any such animal or animals to go at large unattended or to graze on any street, lane, highway or other public place within the Town.
- Section 2: No female dog shall be allowed to run or be at large in any street or other public place in town while in season.
- Section 3: No person shall keep any dog which by biting, howling, damaging public or private property or in any other manner disturbs the peace and quiet of the neighborhood or endangers the safety of any person.
- Section 4: No person shall coast or slide upon any sled, board or other contrivance upon any sidewalk, street or highway in the Town without the approval of the Selectmen.¹
- Section 5: No person shall, by the sounding of horns, blowing of whistles, or by any other means make or cause to be made any unnecessary noise in the Town which disturbs the peace and quiet of the neighborhood.
- Section 6: No minor under the age of fifteen years of age shall discharge any firearm or air rifle or BB gun within the town limits unless such minor is at the time accompanied by an adult 21 years of age or older.
- Section 7: No person shall discard any refuse, animal or vegetable matter, rubbish or any other filth along any public way in Town.
- Section 8: No person shall discard any container originally used for refrigerative purposes unless the door or doors have been removed from such container.
- Section 9: After a reasonable attempt to notify the owner the Road Superintendent may, for the purpose of removing or plowing snow, or removing ice from any public way, remove or cause to be removed to some convenient place any vehicle which interferes with such work, and any expense incurred in the removal of such vehicle shall be borne by the owner of such vehicle.
- Section 10: By vote of the Town Meeting all Town roads have been declared Scenic Roads under Massachusetts General Laws, Chapter 40, §15C. Therefore, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof except with the prior written consent of the Planning Board after a public hearing duly advertised twice in a newspaper of general circulation in the area as to time, date, place and purpose of said hearing, the last publication to occur at least seven (7) days prior to such hearing.^{li}

Section 11: Every household shall separate waste materials before depositing them for disposal under recycling regulations determined by the Board of Health.

Section 12: Noncriminal Disposition^{lii}

(A) This bylaw pertaining to dog nuisances may be enforced in the method provided in Massachusetts General Laws, Chapter 40, §21D.^{liii}

(B) For purposes of this Bylaw, the “enforcing person” shall mean any police officer of the Town of Rowe, the Dog Officer, his or her designees, and such other officials as the Board of Selectmen may from time to time designate. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

(C) Notwithstanding any other provisions of this article, when enforced pursuant to the noncriminal disposition procedures of Massachusetts General Laws, Chapter 40, §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by by-law, rule or regulation:

First Violation	\$100.00
Second Violation	\$200.00
Third Violation	\$300.00

(D) Each day a violation exists shall constitute a separate violation.

Zoning Bylaws

The Town of Rowe Zoning Bylaws (formerly Article V, now Article VII) has been removed from the general bylaws document and is available as its own document.

Major Changes/Revisions – Old Language

This information is **outdated** and is **only** being included for informational/historic purposes. This section only includes changes made through Town Meeting vote and approved by the Attorney General and does not include minor revisions changed under Article III, §12A (those changes can be found under the “changes/footnotes” section.) Items are listed in order by article, then section.

Article III, Section 4: (Amended May 2020 ATM, AG’s Office: August 6, 2020)

Section 4: Finance Committee

In accordance with Massachusetts General Laws, Chapter 39 §16, there shall be a Finance Committee consisting of five members which shall consider all municipal questions relating to appropriations and may consider any municipal question for the purpose of making reports and recommendations to the Town. This committee shall submit its recommendations and report to each town meeting, annual or special. Two members of said committee shall be elected on each of two consecutive years and one on the third year by ballot at each annual town election. No member of the Board of Selectmen or the School Committee shall be eligible to serve on said committee. Members of the Finance Committee holding other town offices or positions must recuse themselves on all matters pertaining to that department. The Finance Committee shall have the powers and duties delegated to it by said Section 16 and other applicable laws including the duty of submitting a budget for the **Omnibus article at the** annual Town Meeting and such recommendations shall be printed on the annual Town Meeting warrant.

Article III, Section 5: (Amended May 2022 ATM, AG’s Office: September 19, 2022)

Section 5: Tax Collector^{liv}

The Tax Collector shall retain all Municipal Lien Certificate fees as payment for his/her personal services.

Changes/Footnotes

Under Article III, Section 12A, all non-substantive changes must be submitted by the Town Clerk to the Board of Selectmen. Once approved, changes must be notated in some way in the document. Those changes are below, as well as information about other changes.

-
- i Combined Articles I and VIII. Used to be “Article I- General Provisions” and “Article VIII- Enforcement” (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - ii Used to be Article VIII, Section 1. Changed “Selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - iii Changed “there shall be elected by ballot in accordance with Sections 6 and 7 of Chapter 41 of the General Laws” to “there shall be elected by ballot in accordance with Massachusetts General Law, Chapter 41, §6 and §7”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - iv Changed “selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - v Changed “he” to “s/he”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - vi Changed “while he is speaking, except to call him to order” to “while s/he is speaking, except to call him/her to order”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - vii Changed “Any person, providing he voted in the majority or not at all, may move for the reconsideration of a vote after giving notice of his intention in open meeting” to “Any person, providing s/he voted in the majority or not at all, may move for the reconsideration of a vote after giving notice of his/her intention in open meeting” (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - viii Used to be what is now Subsection 1. Subsections used to be the following sections: (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - a. Article III, Section 1
 - b. Article III, Section 2
 - c. Article III, Section 3
 - d. Article III, Section 4
 - e. Article III, Section 6
 - f. Article III, Section 8
 - g. Article III, Section 9
 - h. Article III, Section 10
 - i. Article III, Section 19
 - j. Article VI, Section 3
 - ix Changed “selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - x Changed “selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xi Changed “selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xii Changed “Selectmen” to “Board of Selectmen” and “Chapter 66 of the General Laws” to “Massachusetts General Laws, Chapter 66”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xiii Changed “and Fence Viewers (2)” to “Fence Viewers (2)” and made a bulleted list, rather than in paragraph form. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xiv Changed “selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xv Changed “MGL” to “Massachusetts General Law,”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xvi Changed “Selectmen” to “Board of Selectmen” and “He” to “S/he” (3 instances). (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xvii Used to be Article III, Section 5. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xviii Changed “Chapter 111 of the general laws” to “Massachusetts General Law, Chapter 111”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xix Used to be Article III, Section 7. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xx Changed “set forth in Chapters 71, 72, 74 and 76 of the general Laws” to “set forth in Massachusetts General Law, Chapters 71, 72, 74, and 76”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - xxi Used to be Article III, Section 11. (Change approved by Board of Selectmen 2-0-0, 9/19/19)

-
- xxii Changed “with Section 16 of Chapter 39 of the General Laws” to “with Massachusetts General Law, Chapter 39 §16.”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxiii Amended at 6/20/2020 Annual Town Meeting. Change approved by the Attorney General’s Office 08/06/2020.
- xxiv Amended at the May 2022 Annual Town Meeting (Article 26). Change approved by the Attorney General’s Office 09/19/2022.
- xxv Used to be Article III, Section 13. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxvi Changed “set forth in Chapter 45 of the General Laws” to “set forth in Massachusetts General Law, Chapter 45”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxvii Used to be Article III, Section 14. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxviii Changed “appointed by the Selectmen and it shall have the powers and duties as set forth in Section 8C of Chapter 40 of the General Laws” to “appointed by the Board of Selectmen and it shall have the powers and duties as set forth in Massachusetts General Law, Chapter 40 §8C”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxix Used to be Article III, Section 15. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxx Changed “set forth in Chapter 114 of the General Laws” to “set forth in Massachusetts General Laws, Chapter 114”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxi Used to be Article III, Section 16. (Change approved by Board of Selectmen 2-0-0, 9/19/19).
- xxxii Changed “Chapter 78 of the General Laws” to “Massachusetts General Laws, Chapter 78”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxiii Used to be Article III, Section 17. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxiv Changed “Chapter 40, 41, 58 and 59 of the General Laws” to “Massachusetts General Laws, Chapters 40, 41, 58, and 59”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxv Used to be Article III, Section 18. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxvi Changed “Chapters 40A, 41, Sections 81A to 81GG” to “Massachusetts General Laws, Chapters 40A, 41 §81A to 81GG”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xxxvii Adopted 5/13/2013. Used to be Article III, Section 18. (Change approved by Board of Selectmen 2-0-0, 9/19/19).
- xxxviii Adopted at the May 2022 Annual Town Meeting (Article 29). Change approved by the Attorney General’s Office 08-22-2022.
- xxxix Added three revolving funds (Refuse Garden, Planning Board, Park) by vote of 06/20/20 Annual Town Meeting. Approved by the Attorney General’s Office 8/6/2020.
- xl Adopted 5/20/2010. Used to be Article III, Section 20. (Change approved by Board of Selectmen 2-0-0, 9/19/19).
- xli Adopted 11/16/2010. Used to be Article III, Section 21. (Change approved by Board of Selectmen 2-0-0, 9/19/19).
- xliv Changed “Selectmen” to “Board of Selectmen” (4 instances). (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xlvi Changed “Selectmen” to “Board of Selectmen” (3 instances). (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xliv Changed “his” to “his/her” (2 instances). (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xlv Used to be Article VI. (Change approved by Board of Selectmen 2-0-0, 9/19/19).
- xlvi Changed “Chapter 143 of the General Laws” to “Massachusetts General Laws, Chapter 143”. (Changed approved by Board of Selectmen 2-0-0, 9/19/19)
- xlvii Used to be Section 4. Changed “he” to “s/he”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xlviii Used to be Section 5. Changed “Sections 6 to 14 of Chapter 143 of the General Laws.” to “Massachusetts General Laws, Chapter 143, §6 through §14.”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- xliv Used to be Article VII. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- l Changed “Selectmen” to “Board of Selectmen”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- li Changed “Section 15C of Chapter 40 of the General Laws” to “Massachusetts General Laws, Chapter 40, §15C”. (Change approved by Board of Selectmen 2-0-0, 9/19/19)
- lii Adopted 5/10/2010. Used to be Article VIII, Section 2. (Change approved by Board of Selectmen 2-0-0, 9/19/19)

-
- lii Changed “Rowe Bylaw Article VII, Section 3” to “This bylaw” (used to be Article VII, Section 3). (Change approved by Board of Selectmen 2-0-0, 9/19/19)
 - liv Used to be Article III, Section 12. (Change approved by Board of Selectmen 2-0-0, 9/19/19)