

**GENERAL BYLAWS OF THE TOWN OF
HOLLAND, MASSACHUSETTS**

(AS AMENDED THROUGH JUNE 30, 2005)

**THE ACCURACY OF THIS TEXT MAY BE VERIFIED BY
CONSULTING RECORDS OF VARIOUS TOWN MEETINGS,
HELD BETWEEN JUNE 1, 1955 AND THE PRESENT, AND
NOTIFICATIONS OF APPROVAL FROM THE OFFICE OF THE
TOWN CLERK.**

**KRISTIN M. LaPLANTE
TOWN CLERK**

JUNE 30, 2005

GENERAL BYLAWS
RECORD OF REVISION PAGES

Page	Revision date	Page	Revision date
1	7/94 1/95	38	
2	7/94 8/97 2/98	39	
3	7/94 2/97	40	
4	7/94 8/97 1/99	41	1/95
5	7/94	42	8/96
6	7/94 1/95 1/99		
7	7/94 5/97		
8	7/94 2/98		
9	7/94		
10	7/94		
11	7/94		
12	7/94		
13	7/94		
14	7/94		
15	7/94		
16	7/94		
17	7/94		
18	7/94		
19	7/94 1/99		
20	7/94 1/99		
21	7/94 1/95		
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25	7/94		
26	7/94		
27	7/94		
28	7/94 1/95		
29	7/94		
30	7/94		
31	7/94		
32	7/94 1/95		
33	7/94		
34	7/94 8/97		
35	7/94 8/97		
36	7/94		
37	7/94		

In the event of future amendments, your copy of these bylaws may be KEPT UP TO DATE by obtaining copies of revision pages, dated by year and month, from the office of the Town Clerk

TABLE OF CONTENTS

	Page
Chapter I General Provisions	1
Section 1 Title	1
Section 2 Power to License	1
Section 3 Manner of Repeal and Amendment	1
Section 4 Penalty	1
Chapter II Officers, Boards and Committees	2
Section 1 Board of Selectmen	2
Section 2 Town Clerk and Treasurer	2
Section 3 Finance Board	2
Section 4 Constables	4
Section 5 Highway Surveyor	4
Section 6 Tree Warden	4
Section 7 Building Inspector	4
Section 8 Sealer of Weights and Measures	4
Section 9 Recreation Committee	4
Section 10 Board of Health	5
Section 11 Planning Board	6
Section 12 Council on Aging	6
Section 13 Bylaw Committee	6
Section 14 Park Commission	7
Section 15 Capital Planning Committee	7
Chapter III Town Meetings; Elections	9
Section 1 Dates of Meetings	9
Section 2 Notice of Meetings	9
Section 3 Conduct of Meetings	9
Section 4 Nominations	11
Chapter IV Financial Affairs	12
Section 1 Audit of Accounts	12
Section 2 Submission of Bills	12
Section 3 Town Collector	12
Section 4 Custody of Certain Documents	12
Section 5 Disposition of Departmental Receipts	12
Section 6 Municipal Liens	13
Section 7 Licenses and Permits of Delinquent Taxpayers	13

Chapter V	Contracts	15
Section 1	Participation of Town Officers	15
Section 2	Compensation to Town Officers or Employees	15
Section 3	Contracts in Writing	15
Chapter VI	Legal Affairs	16
Section 1	Power of Selectmen	16
Section 2	Compromise and Settlement of Certain Claims	16
Section 3	Appointment of Town Counsel	16
Section 4	Duties of Town Counsel	16
Chapter VII	Records and Reports	18
Section 1	Custody of Records	18
Section 2	Annual Town Report	18
Section 3	Publications of Miscellaneous Material	18
Chapter VIII	Buildings and Wells	19
Section 1	Building Permits	19
Section 2	Notification to Assessors	19
Section 3	Digging of Wells	19
Section 4	Conversion of Residences	20
Section 5	Junk	20
Chapter IX	Motor Vehicles, Trailers and Mobile Homes	21
Section 1	Restriction of Vehicles on Town Property	21
Section 2	Parking Regulations	21
Section 3	Vehicles with Living Accommodations	22
Section 4	Junked or Abandoned Vehicles	22
Section 5	Operation on Ice	22
Chapter X	Roads and Driveways	23
Section 1	Acceptance of Ways as Public Ways	23
Section 2	Driveways and Access Roads	23
Section 3	Maintenance of Private Ways	24
Section 4	Plowing of Private Ways	25
Chapter XI	Hamilton Reservoir Dock Regulations	26
Section 1	Definitions	26
Section 2	Use of Waterfront Area	26
Section 3	Location of Docks	27
Section 4	Construction on Waterfront Areas	28
Section 5	Enforcement	28

Chapter XII	Hamilton Reservoir/Lake Siog Regulations	29
Section 1	Required Equipment	29
Section 2	Registration	29
Section 3	Safety Rules	29
Section 4	Speed Regulations	30
Section 5	General	31
Section 6	Enforcement	32
Chapter XIII	Police and Fire Regulations	33
Chapter XIV	Control of Dogs	34
Section 1	Declaration of Policy	34
Section 2	Enforcement	34
Section 3	Procedure following Impoundment	35
Chapter XV	Conservation Commission	37
Section 1	Declaration of Policy	37
Section 2	Jurisdiction	37
Section 3	Conditional Exceptions	37
Section 4	Application	38
Section 5	Application requirements	38
Section 6	General Provisions	40
Section 7	Violations & Enforcement	41
Chapter XVI	House Number Enforcement	42

GENERAL BYLAWS OF THE TOWN OF HOLLAND MASSACHUSETTS

CHAPTER I

General Provisions

Section 1 Title

The following provisions shall constitute the General Bylaws of the Town of Holland which shall be in lieu of all Bylaws heretofore in force

Approved June 1, 1955

Section 2 Power to License

When in a bylaw anything is prohibited from being done without the license or permission of a certain Officer, Board or Committee, such Officer, Board or Committee shall have the right to license or permit such thing to be done

Section 3 Manner of Repeal and Amendment

Any or all of these bylaws may be repealed or amended or other bylaws may be adopted at a town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting by the Selectmen Any article proposing the repeal or amendment of any part of the General Bylaws, or the enactment of a new bylaw, shall include an appropriate chapter and section designation for any new matter and shall identify the chapter and section designation in the codified bylaws of any existing provision to be repealed or amended

First sentence approved June 1, 1955
Second sentence approved October 1, 1990

Section 4 Penalty

Whoever violates any provision of these bylaws or of any regulation promulgated pursuant thereto whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding one hundred and fifty dollars for a first offense and three hundred dollars for each subsequent offense within a twelve month period

Approved as amended June 14, 1994 and January 3, 1995

CHAPTER II

Officers, Boards and Committees

Section 1. Board of Selectmen

The Board of Selectmen shall consist of three (3) members. One member shall be elected at each annual town meeting for a term of three years.

(Approved as amended June 1994)

The Board of Selectmen shall submit a balanced town budget to the Finance Board no later than February 1 of each year for their review and input.

(Approved as amended August 12, 1997)

Section 2, Town Clerk and Town Treasurer

The terms of the offices of Town Clerk and Town Treasurer shall be of three years duration respectively.

Approved March 30, 1965

Section 3 Finance Board

(Name change Approved February 19, 1998)

(a) There shall be an Advisory Board consisting of six legal voters of the town, who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer shall be eligible to serve on said committee.

Approved June 1, 1955

(b) The Moderator of the town meeting when this bylaw is adopted shall within thirty days after such bylaw becomes effective, appoint 2 members of said committee for a term of one year, 2 members of said committee for a term of two years, and 2 members for a term of three years. At each annual town meeting thereafter the Moderator thereof shall appoint new members of said committee for a period of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town meeting at which time successors are appointed. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

Approved June 1, 1955

(c) The said committee shall fill any vacancy which may occur in its membership by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in the case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding annual town meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Approved June 1, 1955

Chapter II, Section 3, cont.

(d) All articles in any warrant for a town meeting shall be referred to the Finance Board for its consideration. The Selectmen, after drawing any such warrant, shall transmit immediately a copy thereof to each member of said committee. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens

Approved June 1, 1955

(e) It shall be the duty of the Finance Board annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers, and committees of the town, as prepared by them or by the Town Accountant, in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in subsection (d)

Approved June 1, 1955

(f) In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards and committees of the town shall, upon request, furnish said committee with facts, figures and other information pertaining to their several activities

Approved June 1, 1955

(g) It shall be the duty of the Finance Board to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the Annual Town Report

Approved June 1, 1955

(h) It shall be the duty of the Finance Board to hold a public hearing on the proposed budget no later than April 21 of each year

Approved August 12, 1997

Chapter II cont

Section 4 Constables

The number of constables is increased from 2 to 3 beginning with the Annual Town Election in May, 1977, at which time, one shall be elected for 3 years, one for 2 years and one for 1 year; thereafter, one shall be elected each year for a 3 year term.

Approved August 12, 1970

Section 5 Highway Surveyor

The position of Highway Surveyor will be placed on the ballot as an elected position for a one year term* commencing with the Annual Election of 1971

Approved January 6, 1971

* Amended to a three year term May 27, 2003.

Section 6 Tree Warden

The Tree Warden shall be elected for a term of three years

Approved May 9, 1972

Section 7 Building Inspector

The Board of Selectmen shall appoint a Building Inspector annually whose duties shall be To act on applications for building permits, to cooperate with the Zoning Enforcement Officer in enforcing the land use laws of the town and Commonwealth of Massachusetts, and to enforce the building code of the Commonwealth of Massachusetts under Chapter 802 of the Acts and Resolves of 1972, as amended

Approved November 8, 1974

Approved as amended June 14, 1994

Approved as amended January 27, 1999

Section 8 Sealer of Weights and Measures

The term of Sealer of Weights and Measures and the Measurer of Wood and Bark will be three year terms beginning with the annual town elections in 1976

Approved May 13, 1975

Section 9 Recreation Committee

(a) The Recreation Committee shall consist of three members who shall be appointed annually by the Board of Selectmen

Chapter II, Section 9 cont.

(b) The Recreation Committee shall oversee the operation and maintenance of Hitchcock Field and the facilities thereon located and shall promulgate rules and regulations governing access thereto and the use thereof, subject to the approval of the Board of Selectmen

(c) The Recreation Committee may sponsor organized athletic programs and similar recreational activities for the benefit of residents of the town to be conducted on Hitchcock Field or, with the permission of the School Committee, in the Elementary School gymnasium, or in other appropriate locations. It may designate persons to direct and assist in administration of such programs as it deems appropriate and may invite persons so designated to take part in the committee's deliberations and decisions on condition that they attend regularly scheduled committee meetings

(d) The Recreation Committee is authorized to accept, on behalf of the town, contributions of money, equipment, materials and services for the operation and maintenance of Hitchcock Field and its facilities and for the support of programs sponsored by the committee

(e) The town hereby accepts the provisions of Chapter 44, Section 53D of the General Laws of the Commonwealth pursuant to which the town hereby establishes in the town treasury a revolving fund to be kept separate by the Treasurer from all other moneys in which will be deposited all moneys received by the Recreation Committee in connection with the operation and maintenance of Hitchcock Field or in connection with athletic or other recreational programs sponsored by it. The principal and interest thereon shall be expended at the direction of the Recreation Committee without further appropriation but only with the written approval of the Board of Selectmen. Said fund shall be managed in conformity with the provisions of Chapter 44, Section 53D of the general laws

Subsection (a) approved May 9, 1972

Subsections (b) through (e) approved May 19, 1993

Section 10 Board of Health

(a) The Board of Health shall consist of three (3) members; at the annual meeting in 1971 one member shall be elected for one year, one member for two years, and one member for three years, and thereafter, one member shall be elected for a three year term

Approved June 15, 1970

Chapter II, Section 10 cont

(b) The Board of Health shall annually elect one of its members to serve as chairman and one to serve as clerk.

(c) The Board of Health is authorized to enforce the provisions of MGL Ch 270, Section 16, regarding the disposal of rubbish and other materials in unlawful places by civil infraction procedure pursuant to Chapter 40, Section 21D of the General Laws. In the event of noncriminal disposition it is authorized to impose a civil assessment of one hundred and fifty dollars for any violation of such provisions.

Subsections (b) and (c) approved May 19, 1993
Subsection (c) approved as amended June 14, 1994

Section 11 Planning Board

The Planning Board shall consist of five (5) elected members. At the Annual Town Election of 1970, one (1) member shall be elected for a one year term, one (1) member elected for a two year term, one (1) member elected for a three year term, one (1) member elected for a four year term, and (1) member elected for a five year term, and thereafter, one (1) member shall be elected annually at the Town Election for a five year term.

Approved January 6, 1970
Approved as amended September 24, 1992 and January 3, 1995

Section 12 Council on Aging

AS Council on Aging is hereby established, in accordance with Chapter 40, Section 8B as amended, of the Massachusetts General Laws. The Council shall consist of seven residents to be appointed annually by the Board of Selectmen. Starting on July 1, 1999, four (4) members will serve a one (1) year term and three (3) members will serve two (2) year terms. In the year 2000 and thereafter, new members will serve two (2) year terms.

Approved February 9, 1976
Approved as amended June 14, 1994
Approved as amended January 27, 1999

Section 13 Bylaw Committee

(a) There shall be a Bylaw Committee of three consisting of a chairman to be appointed annually by the Board of Selectmen, the Town Clerk who shall serve ex officio and a member of the Planning Board to be appointed by that board.

Chapter II, Section 13 cont

(b) The Bylaw Committee shall regularly review the town's general and zoning bylaws and insure that the official text of all bylaws in effect, including most recent amendments, is always available for inspection and copying during regular business hours at the offices of the Town Clerk and of the Executive Secretary

(c) Any town meeting warrant article proposing the repeal or amendment of any existing general bylaw, or the enactment of a new general bylaw, shall be reviewed as to form by the Bylaw Committee to ensure compliance with Chapter I, Section 3 hereof and avoid inconsistency with existing Bylaws

Approved June 14, 1994

Section 14 Park Commission

The Town of Holland is authorized to elect, under the provisions of Massachusetts General Laws Chapter 45, a Park Commission whose duties and powers shall be to oversee the maintenance and operation of a park on land leased by the Town from the United States of America, to receive and accept on behalf of the Town contributions of money, equipment, materials and services for the operation and maintenance of the parks, to negotiate contracts with parties for the conduct of activities on the park premises consistent with the provisions of the lease and to prepare all reports to the District Engineer of the U S Army Corps of Engineers as required by the lease. The Park Commission shall consist of five registered voters of the Town, to be elected initially for terms expiring September 30, 1998, 1999, 2000, 2001, and 2002 respectively and one member to be elected thereafter each fiscal year for a term of three fiscal years

Approved as amended May 9, 1997

Section 15 Capital Planning Committee

(a) There is hereby established a committee to be known as the Capital Planning Committee. Such Committee shall be composed of thirteen (13) members as follows: one (1) member of the Board of Selectmen, the Executive Secretary, the Town Treasurer, the Town Accountant, two (2) members of the Finance Board, and two (2) designated voters of the town. There will also be one (1) member of each of the following: the Fire Department, Highway Department, Planning Board, Police Department, and School Committee. The committee member will be the Department Chief, Committee Chair or their designate

Chapter II, Section 15 Cont

(b) A standing committee will consist of the Board of Selectmen member, the Executive Secretary, the Town Treasurer, the Town Accountant and the Finance Board members. The other members shall be appointed for 3 year terms. Appointments will be made by the Moderator/Board of Selectmen. A vacancy shall be filled for the unexpired term in the manner of the original appointment. The Committee shall choose its own officers. It may spend such sums as shall annually be appropriated for its use. A quorum shall be a majority of members. A majority of members present shall have power to act.

(c) The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which are (1) purchased or undertaken at intervals of not less than 3 years; (2) have a useful life of at least 5 years and; (3) cost over ten thousand dollars (\$10,000.00). Request of less than these parameters will be considered at the committee's discretion. All officers, boards, and committees shall give to the Capital Planning Committee, by a date and on a form prepared by it, information concerning all projects anticipated by them as needing town meeting action during the ensuing 5 years. The committee shall consider the relative need, timing and cost of these expenditures and the effects each will have on the financial position of the Town.

(d) (1) The Committee shall undertake to prepare a Capital Improvements Plan (CIP) which forecasts the Town's capital needs expenditures and funding mechanisms over the ensuing 5 year periods. The CIP shall be updated on a yearly basis by the committee.

(2) The Committee shall present its recommendations as to items for the ensuing fiscal year to the Finance Board for review and inclusion in the budget to be presented to the town. These recommendations shall include a description of items to be obtained and a manner of funding these purchases.

(3) The CIP and the Committee's recommended annual capital budget shall be published and made available in as manner consistent with the distribution of the Finance Board report.

(e) The Committee may undertake such investigations and hold such hearings as it may deem necessary.

(f) After its adoption, the Capital Budget shall permit expenditure for assets and projects included therein, of sums from departmental budgets in accordance with expenditure policies and procedures of the town.

(g) A public hearing shall be held on the CIP Budget on the same day as the Finance Board holds their public hearing, no later than April 21st of each year.

Adopted February 19, 1998

CHAPTER III

Town Meetings - Elections

Section 1 Dates of Meetings

(a) All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be determined by ballot, shall be considered on the last Tuesday in May

Approved September 14, 1987

(b) The Annual Town Meeting for the Election of Town Officers shall be held on the first Monday after the first Tuesday in June

Approved October 19, 1987

(c) The polls shall be opened at 10:00 a.m. and shall remain open until 8:00 in the evening

Approved August 20, 1973

Section 2 Notice of Meetings

(a) Notice of every town meeting shall be given by posting attested copies of the warrant thereof in at least five (5) public places in the town, not less than seven (7) days before the day fixed for such meeting. Copies of said warrant shall be sent to all officers, boards or committees concerned therein

Approved June 1, 1955

(b) At least five (5) days before the day fixed in the warrant for the annual town meeting, a copy of the annual report will be furnished at the Town Hall for all interested residents

(c) At least five (5) days before the day fixed in the warrant for any town meeting, the Board of Selectmen will notify each registered voter of same by postcard

Approved October 15, 1982

Section 3 Conduct of Meetings

(a) Quorum The number of voters necessary to constitute a quorum at any town meeting shall be twenty-five (25); provided, however, that a number less than a quorum may from time to time adjourn the same. This shall not apply to such parts of meetings as are devoted exclusively to the election of town officers

Approved June 1, 1955

Chapter III, Section 3 Cont

(b) Order of action on articles. Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by a majority vote of the meeting.

Approved June 1, 1955

(c) Priority of motions. When a question is before the meeting, the following motions, namely: to adjourn; to lay on the table; for the previous question; to postpone to a certain time; to commit; recommit, or to refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order; and the first three shall be decided without debate

Approved June 5, 1955

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

Approved June 1, 1955

(e) Disclosure of employment as Attorney. Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon

Approved June 1, 1955

(f) Manner of voting. When a question is put, the sense of the meeting shall be determined by a show of hands, and the Moderator shall declare the vote as it appears to him. If the decision of the chair is doubted, the Moderator shall request all persons in the house to be seated and shall appoint tellers. The vote will then be taken by "Yes" or "No" ballot

Approved June 1, 1955

(g) Balloting. The meeting may order that the vote on any motion shall be taken by a "yes" or "No" ballot

Approved June 1, 1955

(h) Limit of Debate. No person shall speak for more than ten minutes on any question unless his time shall be extended by the Moderator or vote of the meeting

Approved June 1, 1955

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

Approved June 1, 1955

Chapter III, Section 3 Cont.

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

Approved June 1, 1955

Section 4 Nominations

(a) Caucus. A town caucus for the nomination of candidates for town officers shall be held on the sixth Tuesday preceding the annual town meeting at 8:00 o'clock in the evening. Such caucus shall be called by the selectmen and conducted in accordance with Chapter 53, Section 121 of the general laws

Approved August 10, 1989

(b) Nomination Papers. Nomination of candidates may also be made by means of nomination papers in accordance with Chapter 53, Section 6-17, G L. The latest time for filing nomination papers with the Town Clerk shall be 5:00 p.m. on the 28th day preceding the date of the election and the latest time for submitting such papers to the registrars shall be 5:00 p.m. of the fourteenth day preceding the final filing date. Nomination of candidates for town officers may be made by means of nomination papers in accordance with the town bylaws and general laws of the Commonwealth regardless of whether or not such candidates were selected as candidates by the town at the town caucus

Approved August 10, 1989

CHAPTER IV

Financial Affairs

Section 1. Audit of Accounts

An audit of the accounts of the town shall be made annually under the supervision of the state Division of Accounts, as provided by Section 35 of Chapter 44 of the general laws

Approved June 1, 1955

Section 2 Submission of Bills

Each officer, board or committee authorized to spend money shall, on or before June twentieth (20th) of each year, transmit to the Town Accountant all unpaid bills outstanding as of that date

Approved October 8, 1986

Section 3 Town Collector

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town except interest on investments of trusted funds All accounts coming due the town shall forthwith be committed by several officers, boards and committees of the town to the Town Collector, together with all available information in relation thereto

Approved June 1, 1955

Section 4 Custody of Certain Documents

Except as otherwise provided by Law, the Town Clerk shall be custodian of all bonds, deeds, contracts, insurance policies and other similar documents owned by the town

Approved June 1, 1955

Section 5 Disposition of Departmental Receipts

Every officer shall pay into the treasury of the town all amounts received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received

Approved June 1, 1955

Chapter IV Cont

Section 6 Municipal Liens

The Tax Collector will be allowed to retain the fees for municipal liens under the provisions of Chapter 60, Section 23 of the General Laws of Massachusetts

Approved January 24, 1982

Section 7 Licenses and Permits of Delinquent Taxpayers

(This section enacted pursuant to the provisions of Chapter 40, Section 57 of the general laws of Massachusetts which the town has accepted)

(a) The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereafter referred to as 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 petition before the appellate tax board or an application for abatement of such tax

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority 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 purpose 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 denied, suspended, or revoked under this section shall not be reissued or renewed until the licensing 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

Chapter IV, Section 7 Cont

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

(d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight of the Massachusetts General Laws in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits; open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children 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 and forty; fishing, hunting, trapping licenses, section twelve of chapter one hundred thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven; and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

Approved September 29, 1986

CHAPTER V

Contracts

Section 1 Participation by Town Officers

No officer of the town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the town is ever interested and in which such officer has any direct or personal financial interest

Approved June 1, 1955

Section 2 Compensation to Town Officers or Employees

No town officer and no salaried employee of the town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the town, except his official salary and fees allowed by law without the permission of the selectmen expressed in a vote which shall appear on their records with reasons therefor

Approved June 1, 1955

Section 3 Contracts in Writing

No contract involving an obligation of the town in excess of \$100 00 shall be binding upon the town unless it is in writing and signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town

Approved June 1, 1955

CHAPTER VI

Legal Affairs

Section 1. Power of Selectmen

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

Approved June 1, 1955

Section 2. Compromise and Settlement of Claims

The selectmen may at their discretion compromise or settle any claim or suit to which the town is a party, which does not require the payment by the town of an amount in excess of \$100. No settlement of a claim or suit obligating the town in an amount in excess of \$100 shall be made except as authorized by law, without the consent of the town meeting

Approved June 1, 1955

Section 3. Appointment of Town Counsel

The selectmen shall annually in June after the final adjournment of the annual town meeting appoint a member in good standing of the bar to serve as town counsel for the term of one year from the first day of July following until his successor is appointed and enters the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term, and may employ special counsel to assist the town counsel whenever, in their judgment, necessity arises

Approved as amended June 14, 1994

Section 4. Duties of Town Counsel

It shall be the duty of the town counsel to conduct the prosecution, defense or compromise claims, actions or proceedings to which the town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer, board or committee as such when the selectmen, having determined that any right or interests of the town are or may be involved therein shall so request; to conduct proceedings brought by or against the assessors before the Appellate Tax Board; to assist in the prosecution of complaints for violation of any bylaw of the town, when requested so to do by the board

Chapter VI, Section 4 Cont

or officer enforcing the same; to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers, boards, and committees upon and in legal matters touching the duties of their respective offices

Approved June 1, 1955

CHAPTER VII

Records and Reports

Section 1 Custody of Records

All officers, boards and committees of the town, shall cause records of their said doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the officer, board or committee having custody thereof.

Section 2 Annual Town Report

The annual town report shall contain in addition to the reports of the officers, boards and committees, a detailed report of all monies received into and paid out of the town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants; a statement of the liabilities of the town on bonds, notes, certificates of indebtedness or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriations; abstracts of the records of the meetings of the town held since publication of the last annual report, a copy of the warrant of the ensuing town meeting together with the recommendations of the Advisory Committee thereon; and such other matters as the said report is required by law to contain; or as may be inserted by the selectmen under the discretion granted them by law.

Approved June 1, 1955

Section 3 Publication of Miscellaneous Material

The town may direct that the bylaws and standing votes of the town, and the rules and regulations adopted by any officer, board or committee be printed either separately or as part of the annual report.

Approved June 1, 1955

CHAPTER VIII

Buildings and Wells

Section 1 Building Permits

No building in the town shall be built, rebuilt, converted in use or added to for any purpose without first obtaining a building permit from the Building Inspector

Approved October 8, 1986

If a determination is made that an applicant for a building permit must obtain approval/permit from town officials such as but not limited to Board of Health, Conservation Commission, Zoning Board of Appeals, Planning Board or Highway Surveyor said request for approval/permit must be accompanied with set of scaled drawings showing, but not limited to the following:

- 1) Property lines
- 2) Indicate access road
- 3) Location of abutters well and septic
- 4) Footprint of building and/or addition, decks, garage or structures on applicant's property
- 5) Location of wet lands or other protected areas and any other requirement requested by any other Board, Committee or person

Approved January 27, 1999

Section 2 Notification to Assessors

No person or firm shall build or construct a structure in the town of Holland unless such person or firm shall file with the Board of Assessors giving the location of the lot, size of the lot, type of building and estimated cost

Approved June 15, 1970

Section 3 Digging of Wells

Before any well is dug or drilled, a permit must be obtained upon application to the Board of Health of the town at an appropriate fee, and a member of the Board of Health will inspect the progress of the digging or drilling to insure compliance with Article 11 of the state sanitary code. Compliance with this section shall be a prerequisite to the issuance of a certificate of occupancy

Approved August 12, 1976

Section 4 Conversion of Residence

No permit shall be issued for the installation of a central heating system in any residence not so equipped unless the Board of Health have approved its septic system as complying with current standards

Approved January 3, 1995

Section 5 Junk

No person, property owner or tenant shall place, store, or allow any accumulation of rubbish, refuse, salvage materials or discarded household furniture or more than one unregistered motor vehicle or trailer within plain view of an abutter's property or within plain view from a public way or private way This chapter to be enforced by the Zoning Enforcement Officer

Approved January 27, 1999

CHAPTER IX

Motor Vehicles, Trailers and Mobile Homes

section 1. Restrictions of Vehicles on Town Property

(a) No unauthorized vehicles shall operate on town owned property other than designated roadways or parking areas

Approved September 1, 1981

(b) No construction activity shall be conducted on or from town property or roadways without a permit from the Board of Selectmen with approval of the town of Holland Highway Surveyor, said permit to be secured prior to the time of planned activity

(c) Any damage to town property by the action of contractors performing work for abutters, if after written notice of 14 days, or less if deemed an emergency by the Highway Surveyor, the contractor fails to repair it, shall be repaired by the town of Holland, in which case all costs for this repair work shall be chargeable to the contractor causing the damage

Subsections (b) and (c) Approved September 24, 1992

Section 2. Parking Regulations

(a) From November 15 through March 31 all vehicles in the town of Holland must be parked off the streets and roads to allow snow plowing and sanding operations to be carried out. Any such violation may be disposed of as a civil violation pursuant to Section 21D of Chapter 40 of the General Laws with a civil assessment of \$25 00

Approved as amended February 3, 1994 and January 3, 1995

(b) No vehicle shall be parked at any time in a posted "No Parking" area

Approved May 19, 1993

(c) No person shall park any vehicle or shall place any object on a Town Road or on a Private Way in such manner as to obstruct the use of such Town Road by the public or the use of such private way by persons having legal right thereto

Approved as amended June 14, 1994

Section 3 Vehicles with Living Accommodations

(a) Not more than one house trailer, mobile home or trailer which contains sleeping and eating accommodations may be kept on any parcel of land. No house trailer, mobile home or trailer which contains sleeping and eating accommodations may be used as living quarters while so located. Space shall not be leased for trailers, provided, however, that the foregoing shall not prohibit the establishment of a trailer camp under the provisions of Chapter 140 of the General Laws.

Approved March 13, 1965

(b) In the event any house trailer, mobile home, or trailer, which existed prior to the adoption of Article 3 of the Special Town Meeting of September 13, 1963, is sought to be improved by the owner of the land on which said house trailer, mobile home, or trailer is situated, so as to increase its size, or be replaced by a newer and better house trailer, mobile home or trailer of equal or greater size, the owner of the lot on which the house trailer, mobile home or trailer, is situated, shall apply for a permit from the Planning Board of the Town of Holland, and shall receive the permit from the Planning Board of the Town of Holland, provided that all the requirements of the Sanitary Laws of the Town, and the Commonwealth of Massachusetts, and any other land use regulations adopted by the Town are satisfied.

Approved November 8, 1974

Section 4 Junked or Abandoned Vehicles

No person shall accumulate, keep, store, park, place, deposit or permit to remain on premises owned by him or under his control, any dismantled, unserviceable, junked or abandoned motor vehicle unless he has a license to do so under the General Laws or the vehicle or vehicles are appropriately screened from view from neighboring lands, ways, or public highways. Whoever violates or continues to viola

te this By-Law after having been notified by registered mail of such violation shall be punished by a fine not in excess of \$20.00. Each week during which such violation is permitted to continue shall be deemed to be a separate offense.

Approved January 6, 1970

Section 5 Operation on Ice

No cars or trucks shall operate on any Town owned or Town controlled waters where ice has formed.

Approved September 1, 1981

CHAPTER X

Roads and Driveways

Section 1 Acceptance of Ways as Public Highways

All private roads that are to be petitioned to be considered for acceptance by the town as public highways and which are later to be petitioned by the town for inclusion as part of the Chapter 81 mileage for such town shall be laid out in accordance with the provisions of Chapter 82, Sections 21 to 23 inclusive and any other requirements of eligibility for Chapter 81 reimbursement

Approved January 6, 1970

Section 2 Driveways and Access Roads

(a) No one shall construct a driveway or access road so as to drain surface water from said driveway or access road onto the surface of any town road or way dedicated to public use. In the event the owner of land does so construct a driveway or access road, or cause any other construction to be made, which has the effect of causing surface water to drain onto town roads or ways dedicated to a public use, the town Highway Superintendent shall have the right to change the town road, or way dedicated to a public use, so as to prevent such drainage or surface water from going upon said roads, or ways dedicated to public use

(b) A permit is required from the Board of Selectmen, with the approval of the Highway Superintendent, before anyone shall construct a driveway or access road so as to connect for vehicular access privately owned property to a town road. A written application together with a plan or map shall be submitted to the Board of Selectmen showing the following:

- (1) Abutting roads and property ownership with existing contours and grades at pertinent locations
- (2) Existing drainage channels and proposed drainage after regrading
- (3) Access from the property to the public road

Any permit issued by the Board of Selectmen as herein described shall expire within two years of the date of said permit, but may be renewed by the Board of Selectmen for an additional period of time

Approved November 8, 1974

Chapter X, Section 2, cont

(c) No person or business shall cause any surface water, drainage, perimeter drains or water of any source to flow on a town road or on a way open to public use

Approved as amended June 14, 1994

(d) No person or business shall obstruct or allow the obstruction of any Town of Holland drainage system.

(e) Any violation of this section shall be corrected by the Town of Holland Highway Department or its agents, all costs to be paid by that person or business that causes this violation to exist. Any such violation may be disposed of as a civil violation pursuant to Section 21D of Chapter 40 of the General Laws with a civil assessment of \$25 00

Subsections (d) and (e) approved September 24, 1992

Approved as amended January 3, 1995

Section 3 Maintenance of Private Ways

(a) The town may make temporary repairs on private ways which have been open to public use for six years or more

(b) Such temporary repairs may include the regrading of gravel roads, the oiling of oiled roads, filling of potholes, depressions and ruts with suitable materials and replacement of damaged culverts, but not including original construction

(c) No such repairs shall be made unless The Board of Selectmen determines that such repairs are necessary for public convenience and safety

Approved October 27, 1993

(d) No betterment charges shall be assessed and no cash deposit shall be required for such repairs

(e) The town shall not be liable for bodily injury, death or damage to property caused by any defect or want of repair in a private way

Approved October 27, 1993

Chapter X, Section 3, Cont

Section 4 Plowing of Private Ways

(a) The town may plow snow from and sand private ways on which year-round residents reside and where the Board of Selectmen, in consultation with the Highway Surveyor, have determined that a turnaround exists which is adequate for safe operation of plowing equipment in winter storm conditions

(b) No private driveways shall be plowed

(c) The town shall not be liable for damages of any kind caused by failure to plow a private way

Approved October 27, 1993

CHAPTER XI

Hamilton Reservoir Dock Regulations

Section 1 Definitions

As used in this chapter:

- (a) "Waterfront lot" shall mean any lot of real property abutting the waters of Hamilton Reservoir
- (b) "High water line" of any waterfront lot shall mean the water's edge of such lot at a time when the reservoir water level is at the level of the dam spillway.
- (c) "The Waterfront area" of any waterfront lot shall mean an area of reservoir surface bounded as follows:
 - by the lot's high water line,
 - by two extended side lines beginning at points at which the side lot lines of the waterfront lot intersect the high water line and extending straight out fifty feet from the high water line or one-third the distance to the opposite shore, whichever is less, and
 - by a line connecting the offshore ends of the extended side lines and parallel to the shoreline
- (d) "Dock" shall mean a walkway extending from the high water line into the waterfront area suitable as a mooring place for boaters and supported by a rigid framework, by a floating device or by a combination of the two
- (e) A "Mooring" shall mean the location of a boat or other floating object while tied to a dock or other fixed point or while secured by an anchor

Section 2 Use of Waterfront Area

Except in an emergency, no person shall enter the waterfront area of a waterfront lot by means of any watercraft or otherwise without the permission of the owner or legal occupant of such lot, provided that authorized officials or employees of the Town may enter such area in the performance of their duties. The Police Department may issue a noncriminal complaint pursuant to Section 21 D of Chapter 40 of the General Laws and shall impose a noncriminal assessment of fifty dollars (\$50.00) for each violation of this section.

Section 3 Location of Docks

(a) No dock shall extend any longer than needed to safely moor a boat but shall not exceed fifty feet from the high water line or one-third the distance to the opposite shore, whichever is less

(b) The strict application of the regulations in subsection 3(a) of this chapter may be waived by the Board of Selectmen on the application of the owner of a waterfront lot or his representative if the Board finds:

(1) that the strict enforcement of such regulations would unreasonable restrict the applicant in his use and enjoyment of his property and its waterfront area, and

(2) that the requested waiver will not unreasonably detract from the use and enjoyment of the adjoining waterfront lots and waterfront areas

(c) In ruling upon applications for waivers, the Selectmen may take into account the following factors:

(1) the depth of water and the bottom gradient in the waterfront area

(2) the divergence or convergence of the extended lot lines defining the waterfront area pursuant to the definition thereof in Section 1c of this chapter

(3) the fact that a particular installation not strictly complying with these regulations may have existed without objection before the enactment of this bylaw

(4) the fact that rights to the use of the waterfront in question are shared by two or more property owners pursuant to deeded rights of access

(d) An application for a waiver may be heard at any scheduled meeting of the Board of Selectmen. At least fourteen (14) days before the scheduled meeting at which the application is to be heard the applicant shall file, with the Selectmen, a written application stating the nature of the waiver requested and shall notify the owners of adjoining waterfront lots by certified mail or by hand delivery of the substance of the request and the date, time and place of the hearing. The Selectmen's ruling and the reasons therefor shall be entered in the minutes of the meeting.

(e) Every dock and every boat or other moored object shall be removed from the waterfront area during the period from October 31 of each year to the following April. Those docks existing before this bylaw that are build in a permanent fashion and all new structures that comply with Section 4 are excluded from Section 3e

(f) Boats may be temporarily anchored outside any waterfront area while occupied by persons for fishing or other recreational activities but shall not be left unattended

Section 4. Construction on Waterfront Areas

No person shall install a pier, retaining wall, boat ramp, platform, building foundation or similar structure designed as a permanent installation in the waterfront area or along the high water line of any lot without having filed with the Conservation Commission a notice of intent and obtained an order on conditions from said commission permitting such installation and without complying with all conditions and limitations of such order

Section 5 Enforcement

(a) The Police Department is authorized to notify the owner or occupant of any waterfront lot, or the owner of any watercraft or other moored object of any observed violation of the provisions of this chapter. If such violation is not removed within fourteen (14) days from the date of such notification, each day thereafter during which such violation continues shall constitute a separate violation. The Police Department may issue a noncriminal complaint pursuant to the provisions of Section 21D of Chapter 40 of the General Laws for each such violation with a noncriminal assessment of fifty dollars (\$50.00) for each such violation.

(b) The Conservation Commission is authorized to notify the owner or occupant of any waterfront lot of any observed violation of Section 4. If such violation is not removed within fourteen (14) days from the date of such notification, each day thereafter during which such violation continues shall constitute a separate violation of this bylaw. The Conservation Commission may issue a noncriminal complaint pursuant to the provisions of Section 21D of Chapter 40 of the General Laws and shall impose a noncriminal assessment of fifty dollars (\$50.00) for each such violation.

Chapter XI approved January 3, 1995

CHAPTER XII

Hamilton Reservoir/Lake Siog Regulations

Section 1 The following equipment is required for:

(a) All boats

Approved Coast Guard flotation device for each person on board and being towed

(b) Power propelled boats

(1) Front and rear running lights which must be displayed from sunset to sunrise.

(2) Effective sounding device/horn (not required under 16 feet)

(3) Approved fire extinguisher (for all boats over 16 feet)

(4) Ladder (required when towing persons)

Section 2 Registration

(a) No person shall operate or permit the operation of any power propelled craft without a registration number as required by Chapter 90B of the Massachusetts General Laws which number shall be visibly displayed

(b) The Certificate of Number shall be available for examination at all times on the power propelled craft while in operation

3 Safety Rules

(a) Power propelled craft shall operate in a safe and reasonable way at a safe speed. Right of way must be given to swimmers, unpowered boats (sailboats, canoes, rowboats, windsurfers et al) and all other powered boats of lesser horsepower or operating at a lower speed. Power propelled craft operator is responsible for any damage caused by his wake

(b) No child under the age of 12 may operate a power propelled boat. No child under the age of 16 may operate a personal watercraft (jetski)

(c) No child under the age of 16 may operate a power propelled craft of greater than 10 horsepower unless in the possession of a safety certificate issued pursuant to Chapter 323 section 2 08(1) of the Code of Massachusetts Regulations or accompanied and supervised by a person 18 years of age or older

(d) Traffic flow on the lake shall be in a counter clockwise direction

Chapter XII, Section 3, Cont.

- (e) No person under the influence of liquor or drugs may operate a watercraft
- (f) Power propelled boats towing skiers or persons riding other floating or planing devices shall be occupied by two persons minimum (driver and observer 12 years or older)
- (g) Power propelled boats may tow a maximum of two skiers or persons riding other floating or planing devices (unless authorized by the town selectmen)
- (h) Maximum length of tow rope is 75 feet
- (i) All power propelled boats with skiers or others in tow will be so operated that neither the boat nor the persons in tow will come within 150 feet of any shoreline being used as a swimming area or any wharf, dock or float, except when approaching or leaving a landing area

4 Speed Regulations

- (a) Power propelled speed is limited to 10 mph until 11:00 a.m. on Saturdays, Sundays and Holidays
- (b) No power propelled boat may operate at greater than 5 mph or headway speed, whichever is greater, within 150 feet of any shoreline being used as a swimming area or any wharf, dock or float
- (c) Power propelled boat speed is limited to headway speed or 5 mph, whichever is greater, during darkness (1/2 hour after sunset until 1/2 hour before sunrise)
- (d) Power propelled craft speed is limited to 5 mph or headway speed, whichever is greater, in the narrows and all coves
- (e) Jet skis, surf jets, wetbikes or similar personal watercraft shall not be operated at speeds greater than 12 mph, or after sunset, or before sunrise
- (f) Headway speed is the slowest speed at which a motorboat may be operated and maintain steerage way, but not to exceed 6 mph except in the case of jet ski watercraft, surf jet watercraft, wetbike watercraft and so called personal watercraft, which may need to operate at a speed in excess of 6 mph to maintain steerage way

Chapter XII, Section 4, Cont.

- (g) No power propelled craft shall be operated at more than headway speed
 - (1) when the operator's vision is obscured by the shoreline, weather conditions or in any other manner
 - (2) when the craft is operated within 150 feet of a marina, boat launching facility, raft, float or dock.
 - (3) when the craft is operated within 150 feet of a swimmer or of any unpowered craft

5 General

- (a) No craft are allowed on Hamilton Reservoir at any time which are equipped with toilets, cooking or laundry facilities Chlorinators of any kind shall not be used
- (b) Marina operators and all persons permitting the launching of power propelled craft from their property shall provide refuse barrels and sanitary toilet facilities for their patrons
- (c) No person shall dispose of any material into any waters in the Town of Holland Human waste shall not be discharged into the lake in any circumstances
- (d) The consumption of alcoholic beverages and/or illegal drugs or the carrying of opened alcoholic beverage containers in any boat is forbidden
- (e) Power propelled craft operators must act responsibly when involved in an accident in terms of reporting to State and Local authorities and rendering assistance as required
- (f) Power propelled craft must be equipped with an effective muffler
- (g) No person operating any craft shall fail to stop when requested to do so by a police officer identifying himself as such, or fail, upon request, to provide such person with full identification

Chapter XII, sections 1 through 5g approved October 16, 1990

- (h) No craft shall be operated on Holland Pond (Lake Siog) at a speed greater than ten miles an hour

Approved January 11, 1993

Chapter XII, Section 5, Cont

- (i) No person is allowed public access to Siog Park 1/2 hour before sunset to a 1/2 hour after sunrise except by permission of the Park Commission
- (j) Horses and dogs are not allowed on the Siog Park beach area at any time
- (k) Alcoholic beverages are permitted within the picnic area only of Siog Park

Sections 5 (I, J and K) approved January 3, 1995

6 Enforcement

Any violation of the provisions of this chapter may be disposed of by the Police Department as a civil violation pursuant to the terms of Section 21D of Chapter 40 of the General Laws with a civil assessment of twenty-five dollars

Approved June 14, 1994

CHAPTER XIII

Police and Fire Regulations

Section 1.

Every existing or newly installed burglar (intrusion) and/or fire alarm system must be registered with the respective department (fire or police) This to include every externally audible device, whether or not it notifies the respective department by telephone dialer or central office monitoring Failure to comply with this section may result in a lack of response by town emergency departments

Section 2

A service fee may be assessed to the owner or tenant of a property for more than two false alarms annually that result in an emergency service response Said service fee for each occurrence to be set at \$25 00 for a police response and \$50 00 for a fire department response

Approved May 19, 1993

Section 3

Any person who violates the provisions of 301 CMR 7 07, Section 142H or MGL Chapter 48, Section 13 regarding the open burning of brush and unlawful materials at unlawful times or in unlawful places will be fined fifty dollars for the first offense and one hundred dollars for each subsequent offense within a twelve month period

Section 4

The Fire and Police Departments are authorized to enforce the provisions of the foregoing section by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D and/or Chapter 90 of the General Laws, or any other provision of the General Laws authorizing such non-criminal complaint and shall impose a civil penalty of fifty dollars for each such violation

Sections 3 and 4 approved February 3, 1994

CHAPTER XIV

Control of Dogs

The Town of Holland hereby accepts the provisions of Section 147A of Chapter 140 of the General Laws pursuant to which it adopts the following bylaw.

Section 1 Declaration of Policy

(a) Any dog, whether licensed or unlicensed, is hereby declared to constitute a public nuisance unless it-

(1) Is confined to the premises of its owner or of another person with the knowledge and consent of such person, or

(2) Is attached to and restrained by a leash or other suitable device and is in the control of a person capable of restraining it so that it will not be a threat to public safety, or

(3) Is engaged in hunting, or training therefor, and is supervised by a person competent to restrain it so that it will not be a threat to public safety and who has the legal right to engage in such activity at the location where it is being carried out

(b) Any dog is hereby declared to be a public nuisance which habitually barks or howls in a manner disturbing to neighbors between 11:00 p.m. and 7:00 a.m.

(c) License and Tags:

(1) License period shall begin July 1st through June 30th

(2) The owner or keeper of a dog three (3) months or over shall purchase a license from the Town Clerk and shall attach the license tag to collar or harness of said dog in accordance with Massachusetts General Law. If any such tag shall be lost the owner or keeper of such dog shall secure substitute tag from the Town Clerk. The annual fee for every dog license, except as provided by law, shall be as follows:

Male	\$15.00	Neutered Male	\$5.00
Female	\$15.00	Spayed Female	\$5.00

Approved as amended August 12, 1997

Section 2 Enforcement

(a) Any failure of an owner or keeper of any dog to prevent such dog from becoming a public nuisance shall be a violation of this bylaw. Each day such failure continues shall be a separate offense. As used herein a "keeper" shall be any person, corporation or society, other than the owner, harboring or possessing any dog.

Chapter XIV, Section 2, Cont

(b) The dog officer is authorized to enforce this bylaw by any or all of the following methods:

(1) By filing a complaint in the District Court for any violation thereof against the owner or keeper of any dog found to be a nuisance

(2) By noncriminal complaint against the owner or keeper of any such dog pursuant to the provisions of Chapter 40, Section 21D of the General Laws and by imposing a noncriminal assessment of twenty five dollars (\$25 00) for a first violation or fifty dollars (\$50 00) for each subsequent violation within a twelve month period. The dog officer shall have discretion to issue a warning in lieu of a criminal or noncriminal complaint to anyone found in violation of this bylaw who has not been found in violation thereof during the preceding twelve months

(3) By impounding any dog found to be a public nuisance

Section 3 Procedure following impoundment

(a) The dog officer shall promptly notify the owner or keeper of any impounded dog if his or her identity can be readily ascertained

(b) If the owner or keeper cannot be readily identified the dog officer shall cause public notice to be posted at the Town Hall describing the impounded dog and stating that the dog will be disposed of in accordance with section 3d hereof if not redeemed within ten days

(c) The owner or keeper of any impounded dog may obtain its release by obtaining a license for each such dog not currently licensed and by reimbursing the dog officer at the rate of fifteen dollars (\$15 00) for the initial handling of the dog and three dollars (\$3 00) a day for each day or portion thereof the dog has been impounded

Approved as amended August 12, 1997

(d) Any impounded dog which has not been redeemed within ten days from the notification of the owner or keeper or of the posting of notice pursuant to section 3b hereof shall be disposed of in accordance with the provisions of Section 151A, Chapter 140, of the General Laws; as amended

CHAPTER XV

Holland Conservation Commission

Section 1 Declaration of Purpose

The Holland Conservation Commission (HCC) was formed in 1976 with the primary function of administering the rules and regulations of the Massachusetts Wetland Protection Act - MGL Ch. 131, Section 40, and Regulations under 310 CMR 10.00. The Town of Holland hereby declares that it has interests in conservation issues that either go beyond the Act, are not specific enough in the Act or must be more clearly defined by its bylaws. The purpose of this chapter is to protect the wetlands, related water resources, wildlife habitat and the entire watershed area in the Town of Holland by controlling activities deemed by the HCC likely to have a significant or cumulative adverse effect upon the resource areas and the watershed area and deemed important to the community (collectively, the resource area values protected by this chapter). This chapter uses the Town's home rule authority to protect resource areas and values and establish standards and procedures in addition to those of the Wetlands Protection Act.

Section 2 Jurisdiction

(a) Except as permitted by the HCC or as provided by this chapter, no person or persons shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any fresh water wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks (at the normal high water mark), reservoirs, ponds of any size, rivers, streams, creeks, lands under water bodies, lands subject to flooding or inundation by ground water or surface water, lands within 100 feet horizontally of any of the aforesaid resource areas (The Buffer Zone) and upland areas within the watershed area of the Town of Holland (collectively known as the Resource Areas). Said Resource Areas shall be protected whether or not they border surface waters.

Section 3 Conditional Exceptions

(a) The application and permit required by this chapter shall not be required for maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunications services, provided that written notice has been given to the HCC prior to the commencement of work and provided that the work conforms to performance standards and design specifications in regulations adopted by the HCC.

Chapter XV, Section 3, Cont

(b) Other than as stated in this section, the exceptions provided in MGL Ch. 131, section 40 and Regulations 310 CMR 10.00 shall not apply

Section 4 Application

Written application shall be filed with the HCC to perform activities affecting the areas protected by this chapter.

Section 5 Application Requirements

- (a) A plot plan of the area in which the project is to be executed, showing the Map, Block and Lot number of the property, the street address, an accurate position of the project with dimensions, distances to property lines, septic systems and wells
- (b) A certificate of the Tax Collector that there is no current tax delinquency with respect to the lot or lots comprising the area in which the project is to be executed
- (c) A signed, written, accurate description of the project including method of construction, materials to be used, machinery involved, time frame for construction, mitigating measures and site access
- (d) In applications involving walls or structures, plan and side elevations with dimensions must be included
- (e) Applications may also be made, in writing, in the form of a Request for Determination of Applicability
- (f) The HCC in an appropriate case may accept as the permit application and plans under this chapter, the Notice of Intent (NOI) and plans filed under the Wetlands Protection Act MGL Ch. 131, Section 40 and Regulations 310 CMR 10.00
- (g) The applicant of any application requiring the filing of a NOI and a public hearing, or in cases where the HCC deems it necessary, must notify abutting property owners of the filing date and date of the hearing at least seven days prior to the hearing. Evidence of such notifications will be required at the public hearing

Chapter XV, Section 5, Cont

- (h) The HCC may require additional plans, documentation, drawings, etc , and if it so determines may require the physical staking out of the proposed project site
- (i) No applications will be accepted as complete unless and until all information requested is clearly and properly submitted
- (j) Filings to the HCC and the Department of Environmental Protection (DEP) must be made at the same time and be identical in content
- (k) Two copies of all paperwork and documents must be submitted in addition to those required by the DEP
- (l) All applications must be presented in person at a regularly scheduled posted meeting of the HCC by the property owner or person duly authorized by the property owner
- (m) All applications are reviewed under the rules and regulations of the Mass Wetlands Protection Act, the provisions of this chapter and the regulations of the HCC
- (n) The HCC may require that the applicant pay the full cost of the services of any consultant hired by the HCC in connection with the application
- (o) No work may proceed at all until an application has received
 - (1) Written approval by the HCC fully describing the nature and location of the proposed project and either
 - (2) A Determination of Applicability issued by the HCC within 21 days of receipt of a written Request for Determination A determination may be negative or positive and appropriate further action may be taken or
 - (3) An approved NOI with a DEP file number. If it has been determined that an NOI is required, all the requirements of an NOI application must have been met, including but not limited to the Order of Conditions issued by the HCC and after the waiting period required by the act

Section 6 General Provisions

- (a) No person shall cause any solid or liquid matter, other than storm water drainage, to be dumped, poured, thrown or otherwise introduced into a water body or wetland resource area
- (b) No structure of any kind is to be built below the general high water mark of any water body or over the water without the approval of the HCC.
- (c) No person may extend their property by means of filling or other method beyond the existing high water mark of a water body. No retaining wall shall be placed below the high water mark of any water body
- (d) No person may cut down any tree within the buffer zone over ten feet in height or six inches in trunk diameter five feet above ground unless permission has been received from the HCC
- (e) All forest cutting or logging operations within a wetland resource area must have received prior approval from the HCC
- (f) No person may carry out work on a property that causes, in the opinion of the HCC, substantial erosion and subsequent siltation of a wetland resource area
- (g) Only phosphate free detergents may be used within the buffer zone
- (h) No work as described in Section 2 a is to be executed within areas subject to the jurisdiction of the HCC, without the required permits
- (i) The applicant shall inform the HCC in writing of the termination of work at the project. Following a site visit, if required, and provided all requirements under the application have been met, the HCC shall issue a Certificate of Compliance
- (j) The HCC is authorized to propose and adopt such Rules and Regulations as it sees fit to effectuate the purposes of this chapter
- (k) Where a project proposed by an applicant requires a permit or other authorization from any other town official or board for which a public hearing is required, the HCC is authorized, with the agreement of the applicant and the cooperation of the other officials concerned, to schedule all required public hearings for the same date for the convenience of all parties

Section 7. Violations & Enforcement.

(a) The HCC, its agents, officers and employees, shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter

(b) The HCC may proceed against any person violating any provision of this chapter, or any decision or regulation of the HCC pursuant to this chapter, by criminal complaint. Each day such violation continues after notice to the party concerned shall constitute a separate violation subject to a fine not to exceed \$50.00. The HCC may also proceed pursuant to the provisions of MGL Ch. 40, section 21D and impose a civil assessment of \$50.00 for each such violation.

Chapter XV approved January 3, 1995

CHAPTER XVI

House Number Enforcement

In accordance with Chapter 291 of the laws of Massachusetts, the Town of Holland, in conjunction with Statewide Emergency Telecommunication Board, has joined the Enhanced 9-1-1 service. For matters of personal and public safety, in order to assure the fastest response by emergency service personnel without undue delay, residents of the Town of Holland are required to post house numbers of sufficient height so they are visible and clearly readable from the street. For purpose of this by-law, sufficient height will be four inches (4").

House numbers must be mounted on the front of the residence facing the roadway on a post or a mailbox at the front property line on the street adjacent to the driveway entrance to the residence. This will allow for location uniformity throughout the Town.

Any property owner who continues to violate the provision of this by-law after thirty (30) days following receipt by the property owner of joint, written notice of such violation from the Board of Selectmen and Chief of Police, shall be liable to a penalty not exceeding \$25.00 for each offense. Each day that the said violation is allowed to continue after said thirty (30) day period, shall constitute a separate offense.

This by-law will be enforceable upon the implementation of E9-1-1 service in the Town of Holland.

Any violation of the provisions of this chapter may be disposed of by the Police Department as a civil violation pursuant to the terms of Section 21D of Chapter 40 of the General Laws with a civil assessment of twenty-five dollars (\$25.00).

Chapter XVI approved August 2, 1996

CHAPTER XVII

Public Drinking

No person shall drink from or possess an open container of any alcoholic beverage as defined in Mass General Law Chapter 138, Section 1 and Chapter 90, Section 24-I of the Massachusetts General Laws while on or in a public way, sidewalk, lake, public park, playground or any public or private land or place without the consent of the owner or person in control of such public or private land or place. All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person(s) arrested or summoned before the Palmer District Court. As prescribed by law, alcoholic beverages seized by the arresting authority or authority initiating prosecution in the event the person(s) are to be summoned, seized alcoholic beverages are to be submitted to a certified state food and drug facility for testing and certification of the contents. Upon final adjudication of the charge against the person(s) arrested or summoned and upon direction of the adjudicating authority only such alcoholic beverages not marked by the state food and drug facility as containing a poisonous substance shall be returned to the person(s) entitled to lawful possession. Such alcoholic beverages must be claimed by said person within seven (7) days of such adjudication or such alcoholic beverages shall be destroyed by the seizing authority. Violation of this by-law is punishable by a fine of not less than fifty dollars (\$50.00) for the first offense and by a fine of not less than one hundred dollars (\$100.00) for a second or subsequent offenses.

Approved October 29, 2001

CHAPTER XVII
PERSONNEL BY-LAW

Section 1. Application of this by-law

It shall be the policy of the Town of Holland to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, compensation and general working conditions without regard to age, race, color, creed, sex, national origin or physical condition.

This by-law shall apply to all town employees, excluding school personnel and positions which are filled by popular election, and those which are covered by separate agreements between any association of employees and the Town, developed through collective bargaining. All provisions of this by-law shall be applicable insofar as any collective bargaining agreement may refer to this by-law and to the extent applicable by statute or in the absence of any other provisions.

Section 2. Definitions

(a) **Full Time:** an employee whose regular and continuous work schedule consists of at least 20 hours per week. Full time employees may be paid either a salary or an hourly rate.

(b) **Part Time:** an employee whose regular and continuous work schedule averages less than 20 hours per week, or less than 1040 hours a year, or less than 52 weeks a fiscal year. Part time employees are paid an hourly rate.

(c) **Pay Week:** most employees are paid on a weekly or biweekly basis depending on their department assignment. The payroll period begins on Friday and ends on Thursday. Pay checks are available on Wednesdays.

(d) **Elected official:** serves the townspeople, performing the duties required for that position, overseeing its department, and receives compensation as voted by Town Meeting.

(e) **Immediate Family:** includes an employee's spouse, children, parents, sister, brother, parents of spouse, grandparents, grandchildren, or any other person permanently residing with the family of an employee.

(f) **Retiree:** an employee who has left all government employment, and has attained the age of 55, whose last government employment was for the Town of Holland, who worked full time at least 10 years for the Town of Holland and/or qualified for a County or Mass Teachers' pension through the Town of Holland. (approved 6-30-05)

Section 3. Classifications

(a) Full Time employees are eligible for benefits, subject to the terms, conditions, and limitations of each benefit program. Salaried personnel are not eligible for overtime pay.

(b) Hourly employees who are required by their department head to work in excess of forty hours in the seven-day pay week, shall be compensated at the rate of time-and-one-half (1 ½) for all hours in excess of forty in that week.

(c) If an employee is paid by more than one department, the total hours scheduled and worked for the Town for a week will determine eligibility for benefits and overtime. If the employee is classified as full time (working 20 hours a week) and entitled to pay for leaves, these hours will be paid by the departments in proportion to the hours worked by that employee in each department.

- (d) The department head will notify the Treasurer of the status of the position for any new employee.
- (e) The following leave programs are available to full time employees: Vacation, Holidays, Bereavement, Personal Days, and Sick Days
- (f) Leave time, except for holiday leave, will not be counted as "time worked" for figuring overtime pay. Leave time will be paid as regular hours.
- (g) The following benefits are available to full time employees: County Retirement, Insurance (Medical, Life, Dental, Disability), Voluntary Deferred Compensation 457 Plan.
- (h) New employees must meet with the Treasurer to discuss their benefit options during the FIRST WEEK of employment.

Section 4. HOLIDAYS

Full time employees will be paid for 14 holidays at their regular rate:

11 per Mass General Law—

July 4th/Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving

Christmas

New Year's Day

Martin Luther King Day

President's Day

Patriot's Day

Memorial Day

3 Floating days—under the discretion of the department head

Any holiday falling on a Saturday or Sunday shall be given on the day as determined by the Board of Selectmen.

Holiday hours will be considered as hours worked in calculating weekly overtime.

Full-time Police or Fire Department personnel performing scheduled duties or called in on holidays will be paid for the hours worked, plus an extra day's pay at current straight-time rate.

Section 5. VACATIONS

Full-time employees will be granted annual vacations with pay in accordance with the following schedule:

Less than one year of employment—one half day per month, not to exceed five working days

One year of employment, but less than three years—two weeks

Three years of employment, but less than ten years—three weeks

Ten years of employment, but less than twenty years—four weeks

Twenty years and over—five weeks

An employee's length of service on June 30th will determine the amount of vacation leave to which the employee is credited for the next fiscal year.

The vacation time credited is only to be used from July 1st through June 30th.

Vacation days must be used in the year they are granted or they will be forfeited.

Vacation time may be used by hourly employees to offset the loss of pay due to Town Hall closings for weather or voting.

Section 6. SICK LEAVE

Sick leave with pay will be granted to full-time employees following a 90-day probationary period.

Sick leave may be used only in instances when an employee is out of work due to illness or medical appointments. Also an employee may use up to 3 days of sick leave per fiscal year for the birth, adoption or foster care of a child, or to care for an immediate family member with a serious health condition.

Use of sick leave for other than the above stated reasons will result in loss of pay

Employees shall be entitled to 5 sick days per fiscal year.

Sick days may be used in one-half or whole day increments

Sick days may be accumulated up to 30 days.

Sick leave is not paid if the employee is terminated or resigns.

After three consecutive working days of absence from the job, an employee on sick leave may be required to present a physician's statement indicating the nature of such sickness, illness or non-occupational job related injury.

Department heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees in the department.

Section 7. PERSONAL LEAVE

Three (3) days of personal leave may be taken by full-time employees.

Personal days may be taken in one-half or whole day increments.

Personal leave may be taken for matters that must be done during the regular work day.

Pay will not be granted in lieu of unused personal days.

Section 8 LEAVE OF ABSENCE

A leave of absence may be granted by the department head and shall be without compensation, but without loss of benefits. A leave of absence lasting more than three (3) months shall be considered a break in employment, unless an extension of leave has been authorized in advance. Maternity Leave and Family Leave will be granted in accordance with Mass General Laws Chapter 149, section 105D, and appropriate federal laws.

Family and Medical Leave Act applies to any employee who has been on the payroll for at least 12 months prior to the beginning of the leave.

Under the FMLA an eligible employee may take 12 work weeks of unpaid leave during any 12 month period for the following purposes:

- The care of a newborn child of the employee

- The placement of a child with the employee for adoption or foster care

- The care of the employee's spouse, child or parent with a serious health condition

- The care of the employee's own serious health condition, which makes the employee unable to perform the functions of his/her position

Section 9. BEREAVEMENT LEAVE

Full-time employees will be paid their regular wages as follows:

Up to 5 days may be paid in the event of the death of an employee's spouse or child

Up to 3 days may be paid in the event of the death of other immediate family members, as previously defined

Up to 2 days may be paid in the event of the death of an employee's aunt, uncle, cousin, nephew, or niece. Up to one day may be paid in the event of the death of a relative of the employee's spouse, not listed as immediate family.

Section 10. JURY DUTY

In the event any employee is required to perform jury duty service on a regularly scheduled work day, the employee shall be entitled to the difference between court pay and the employee's regular pay.

Approved 6/30/03