

**TOWN OF CHARLTON
BY-LAW APPROVAL**

TOWN BULLETIN

**BY-LAWS VOTED AT
Oct. 19, 2010
SPECIAL TOWN MEETING**

**WARRANT ARTICLES
13&17**

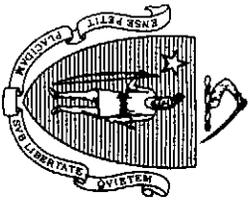
POSTED Nov. 9, 2010

By

Darlene L. Tully

Town Clerk

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THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET

SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL
www.mass.gov/ago

November 3, 2010

TELE: (413) 784-1240
FAX: (413) 784-1244

RECEIVED
11/5/10
JTY

Darlene L. Tully, Town Clerk
37 Main Street
Charlton, MA 01507

RE: Charlton Special Town Meeting of October 19, 2010 - Case # 5736
Warrant Article # 13 (General)
Warrant Article # 17 (Zoning)

Dear Ms. Tully:

Articles 13 and 17 - We return with the approval of this Office the amendments to the Town by-laws adopted under these Articles on the warrant for the Charlton Special Town Meeting that convened on October 19, 2010.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

enc.

cc: Town Counsel (via email)



Sub. 2
Oct. 13

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Oct. 19, 2010 the following business was transacted under Article 13.

ARTICLE 13. GENERAL BY-LAW AMENDMENT- DOG RESTRAINT AND REGULATION BYLAW

To see if the Town will vote to amend Article XXIII Dog Restraint and Regulation of the General By-Laws by deleting the strikethrough text and adding the bold underlined text as shown below:

ARTICLE XXIII: DOG RESTRAINT AND REGULATION BYLAW

Section 1. Licenses and tags:

The owner or keeper of a dog six (6) months old or over shall purchase a license from the town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk. No license fee shall be charged for a dog certified to serve a blind person or a deaf person, provided the dog is actually in the service of a blind or deaf person.

New residents bringing dogs six (6) months old or older into the Town or Charlton shall purchase a license from the Town Clerk within sixty (60) days.

The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

Male.....	\$20.00
Female.....	\$20.00
Senior Citizen (65 and over).....	\$17.00
Neutered Male.....	\$10.00
Spayed Female.....	\$10.00
Senior Citizen (65 and over).....	\$8.00
Substitute Tag.....	\$1.00
Transfer License.....	\$1.00

A true copy, Attest

Darlene L. Tully
Darlene L. Tully

Town Clerk

A TRUE COPY ATTEST
Darlene L. Tully
TOWN CLERK

Town Seal



18

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Dec. 19, 2010 the following business was transacted under Article 13.

When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by Massachusetts General Laws, Chapter 140, Sections 137 and 145B.

Kennel fees shall be as follows:
Four dogs or less.....\$35.00
Ten dogs or less.....\$75.00
Twenty-five dogs or less....\$100.00

No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth of other disposal of the dog.

Should any owner or keeper of a dog fail to license it before ~~June~~March 1st, a late fee of ten dollars (\$10.00) will be charged. Any person maintaining a kennel in the Town of Charlton who fails to license, as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of twenty dollars (\$20.00).

Section 2. Definition of Terms:

As used in this order unless the context otherwise indicates.

- (1) "DOG" means: Any animal of the canine species, both male and female.
- (2) "OWNER" means: Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.
- (3) "PUBLIC NUISANCE" means: Any dog which by excessive barking, howling, "running-at-large" or in any other manner disturbs the quiet of the public.
- (4) "RUN-AT-LARGE" means: Any dog free of restraint which is permitted to wander on private property of others or on public ways at will, without proper restraint.
- (5) "RESTRAINT" means: The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

Section 3. Prohibitions:

No owner or keeper shall permit any dog whether licensed or unlicensed to become a "public nuisance" or to run-at-large within the Town of Charlton any time day or night.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Oct 19, 2018 the following business was transacted under Article 13.

Section 4. Field Trials:

No person shall conduct a Field Trial involving dogs in the Town of Charlton without first procuring a permit thereof from the ~~Deg-Officer~~ Animal Control Officer. Any such permit shall contain such limitations, as the ~~Deg-Officer~~ Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

Section 5. Penalty:

Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule:

First Offense.....	\$25.00
Second Offense.....	\$35.00
Third Offense.....	\$50.00
Fourth Offense.....	\$75.00
Fifth and each subsequent offense.....	\$100.00 (within a calendar year)

Section 6. Enforcement:

It shall be the duty of the ~~Deg-Officer~~ Animal Control Officer to investigate complaints and enforce the provisions of this Bylaw and to that end he/she shall have the authority to seek complaints in the District Court for violations thereof. He/She shall also attend to all matters pertaining to stray or public nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Animal Control Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law.

Section 7. Procedure Following Impoundment:

The ~~Deg-Officer~~ Animal Control Officer shall immediately notify the owner or keeper of any dog impounded by him under the provisions of the By-law if such owner or keeper is known by him. If such owner or keeper is not known by him, no notice shall be necessary.

Section 8. Notice to Owner and Redemption:

The owner may then reclaim the dog by reimbursing the ~~Deg-Officer~~ Animal Control Officer expenses, fines and fees, for maintaining the impounded dog. In any event, the maintenance cost shall not exceed ten dollars (\$10.00) for each twenty-four (24) hour period or any part thereof, plus thirty dollars (\$30.00) as an initial pickup fee. However, as required by state law, each dog six (6) months old or older must be licensed before the Animal Control Officer may release it to its owner.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Dec. 19, 2010 the following business was transacted under Article 13.

Section 9. Disposition of Unclaimed Dogs:

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Massachusetts General Laws, chapter 140, Section 151A, and any amendment thereto. Any unclaimed dog adopted from the Charlton ~~Dog Officer~~ Animal Control Officer shall be spayed or neutered at the owner's expense. The adoption fee for all unclaimed dogs regardless of sex, breed, or age shall be twenty dollars (\$20.00).

Section 10. Collection of Fines and Fees:

All fines and fees collected by the ~~Dog Officer~~ Animal Control Officer while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event the ~~Dog Officer~~ Animal Control Officer will not accept cash, unless bonded to do so.

Section 11. Disposition of Collected Fines and Fees:

All fines and fees collected by the ~~Dog Officer~~ Animal Control Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

or take any action relative thereto or thereon.

SPONSOR: ANIMAL CONTROL

Motion and second that the proposed amendment to the Town's General Bylaw set forth in Article 13 be accepted as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: N/A

RECOMMENDATION OF THE BOARD OF SELECTMEN: Refer to Animal Control

Majority Vote Needed.

Motion passes by Majority Voice Vote as determined by the Moderator,

Darlene L. Tully

Town Clerk

Town Seal



Article 17
(Form 2)
Sub. # 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Oct. 19, 2010 the following business was transacted under Article 17.

ARTICLE 17. ZONING BY-LAW CHANGE- REVISE SECTION 3.2 (USE REGULATIONS)

To see if the Town will vote in accordance with the provisions of Mass. General Laws, Chapter 40A, Section 5, to amend the Charlton Zoning Bylaw by revising Section 3.2 (Use Regulations), as follows:
Change the zoning regulation in sub-section 3.2.2.4 Recreational Uses for line item #3, "Other recreational facilities conducted for gainful profit, indoor and outdoor theatres, physical fitness centers, health clubs and indoor tennis and racquetball facilities" as it pertains to the Business Enterprise Park (BEP) Zone from "N" (Not Allowed) to "SP" (Allowed Via Planning Board Special Permit) as listed in the Section 3.2.2 use regulation table.

, or take any action relative thereto or thereon.
SPONSOR: Planning Board

Motion and second that the proposed amendment to the Town's Zoning Bylaw set forth in Article 17 be accepted as printed.

**RECOMMENDATION OF THE PLANNING BOARD: Planning Board supports this motion.
RECOMMENDATION OF THE BOARD OF SELECTMEN: N/A
Two-Thirds Vote Needed.
Motion passes by 2/3rds Voice Vote as determined by the Moderator.**

A true copy, Attest
Darlene L. Tully
Darlene L. Tully
Town Clerk

Town Seal