

THE COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE SS.

To either of the Constables of the Town of Westhampton in the County of Hampshire

**GREETING.**

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the TOWN HALL in said WESTHAMPTON on **SATURDAY the FOURTEENTH day of MAY next, at 9: 00 o'clock in the morning, and for the election on SATURDAY the FOURTH day of JUNE next, 2016 from 8:00AM to 12:00 P.M.** then and there to act on the following articles:

ARTICLE 1: To hear and act on all reports presented at said meeting.

ARTICLE 2: To elect by ballot necessary officers to serve in the ensuing year.

Selectboard	One for three years
Board of Assessors	One for three years
Planning Board	Two for three years
Finance Committee	Three for three years
Elementary School Committee	Two for three years
Elementary School Committee	One for two years
Moderator	One for one year
Tree Warden	One for one year
Library Trustees	One for three years
Constable (North District)	One for three years

ARTICLE 3: To see if the Town will vote to accept by unanimous consent and without debate the following six articles or any combination of them: Article 4, Care of the Highways; Article 14, Unemployment Benefits; Article 15, short-term borrowing authorization; Article 16, Chapter 90 Highway Funds; Article 17, Fire Dept. revolving fund; Article 18, Cemetery revolving fund.

ARTICLE 4: To see if the Town will vote to leave the care of the highways in charge of the Selectboard.

ARTICLE 5: To vote in compliance with Section 108, Chapter 41 G.L., which requires that salaries of elected officials be fixed by vote of the Town.

ARTICLE 6: To see if the Town will vote to raise and appropriate, or otherwise provide, such sum of money as may be necessary to defray Town charges in the ensuing year.

ARTICLE 7: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money to meet Westhampton's share of Hampshire Regional School District's assessment for Fiscal 2017, or any lesser sum as may be certified by the District, provided that any such certification shall be made prior to the establishment of the tax rate, and to meet this appropriation, a sum of money be raised by taxation, or take any other action in relation thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money to meet Westhampton's share of Hampshire Regional School District's capital assessment for Fiscal 2017, or any lesser sum as may be certified by the District, provided that any such certification shall be made prior to the establishment of the tax rate, and to meet this appropriation, a sum of money be raised by taxation, or take any other action in relation thereto.

ARTICLE 9: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for the Elementary School, or pass any vote or votes in relation thereto.

ARTICLE 10: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for Vocational school tuition, or pass any vote or votes in relation thereto.

ARTICLE 11: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for Vocational school transportation, or pass any vote or votes in relation thereto.

ARTICLE 12: To see if the Town will vote to raise and appropriate, or otherwise provide, a sum of money for a Financial Audit for the Town, or take any other action in relation thereto.

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum of money to prepare and paint the exterior of the Town Hall, or take any action relative thereto.

ARTICLE 14: To see if the Town will vote to raise and appropriate, or otherwise provide \$19,000 to hold in anticipation of unemployment benefits for Town employees in accordance with Chapter 151A of the General Laws of Massachusetts.

ARTICLE 15: To see if the Town will vote to authorize the Treasurer, with approval of the Selectboard, to borrow funds from time to time in anticipation of the revenue of the financial year beginning July 1, 2016, and in accordance with the provisions of Mass. General Laws, Chapter 44, Section 4 and to issue notes as may be given for a period of less than one year in accordance with the provisions of Mass. General Laws, Chapter 44, Section 17, or take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money as may be certified from available funds, due to the Town as Chapter 90 Highway funds, from the Transportation Bond Issue, or take any other action in relation thereto.

ARTICLE 17: To see if the Town will vote to re-authorize a revolving fund not to exceed \$2000 for the Fire Department, under MGL Chapter 44, sec 53 E1/2, or take any other action in relation thereto.

ARTICLE 18: To see if the Town will vote to re-authorize a revolving fund not to exceed \$6000 for the Westhampton Cemetery, under MGL Chapter 44, Sec 53 E1/2, or take any other action in relation thereto.

ARTICLE 19: To see if the Town will vote to appropriate a sum of money from Free Cash to reduce the tax rate, or take any other action in relation thereto.

ARTICLE 20: To see if the Town will vote to authorize the Selectboard to file a petition with the General Court for special legislation authorizing the Selectboard to issue to Outlook Farm a license for the retail sale of wine and malt beverages to be consumed on the premises at 136 Main Road, as set forth below, provided however, that the General Court may make clerical and editorial changes of form only to the bill, unless the Selectboard approves amendments to the bill prior to the enactment by the General Court, and to authorize the Selectboard to approve amendments which shall be within the public purposes of the petition, or take any other action relative thereto.

An Act Authorizing the Issuance of a Certain License for the Retail Sale of Wine and Malt Beverages to be Consumed on the Premises in the Town of Westhampton

Section 1. Notwithstanding the provisions of sections 11, 12, 15, 15F, 17, 19B and 19C of chapter 138 of the general laws, or of any other general or special law to the contrary, the licensing authority of the Town of Westhampton is authorized to grant to the Outlook Farm, at 136 Main Road, Westhampton, provided that said owner meets all other requirements for the issuance of the license and holds a farmer winery and/or farmer brewery license issued by the commonwealth of Massachusetts under sections 19B and 19C of said chapter 138, a license for the retail sale of wine and malt beverages produced by or for said winery and brewery and sold under the winery and brewery brand name, poured by the glass, to be drunk on the premises. The license shall be subject to all of said chapter 138 except as provided in this act. The licensing authority shall not approve the transfer of the license to any other applicant or to any other location.

Section 2. This act shall take effect upon its passage.

ARTICLE 21: To see if the Town will vote, pursuant to G.L. c.41, §21, to authorize the Selectboard to appoint a Board of Cemetery Commissioners, provided, however, that the Selectboard will not have authority to make such appointments unless and until the Town votes at the 2017 Annual Town Election to approve the same, or taken any other action relative thereto.

ARTICLE 22: To see if the Town will vote to amend the Town of Westhampton General Bylaws Article 7- Miscellaneous Provisions, Section 9-1 Dog Regulations and revise the existing Sections 7-9-4, 7-9-5, 7-9-6, 7-9-9, 7-9-12, 7-9-13, 7-9-14, 7-9-15. Delete Sections 7-9-7 and 7-9-8. Add new Sections 7-9-15 and 7-9-16, as follows; or take any action relative thereto.

Article 7-Miscellaneous Provisions;

Section 9, Dog Regulations

7-9-1 PURPOSE

To achieve the objectives of the Animal Control Officers responsibilities as contained in Chapter 140, §§136A-174E of the Massachusetts General Laws, which includes the regulation of domestic animals, the licensing of dogs, and the establishment of fines for this bylaw within the boundaries of the Town of Westhampton. This bylaw is not set forth to establish a leash law.

7-9-2 APPLICATION

This bylaw shall apply to those persons owning or keeping dogs within the boundaries of the Town of Westhampton in their role as responsible pet owners; understanding that public safety and animal welfare

are priority. Any owner/keeper seeking relief from any portion of this bylaw may file or appeal for same with the Selectboard.

#### 7-9-3 SEVERABILITY

Should any section, portion, or provision of this bylaw be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion, or provision of this Bylaw.

#### 7-9-4 ANIMAL CONTROL OFFICER

The Selectboard shall annually appoint an Animal Control Officer who shall be sworn by the Town Clerk. The salary shall be fixed by vote of Annual Town Meeting.

#### 7-9-5 LICENSES AND TAGS

1. The Town Clerk shall issue dog licenses and tags. The Town Clerk shall record for each license issued, the name, address and telephone number of the owner or keeper of each dog so licensed, the tag number issued, date of expiration of last rabies vaccination, breed, age, color, or other description of the dog. Each tag shall contain the tag number, the name "WESTHAMPTON" and the year of issue.
2. The owner or keeper of a dog, once it becomes six months or older, kept within the Town of Westhampton shall cause that dog to be licensed annually. The license year shall be from April 1 to the following March 31, inclusive.
3. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which he/she shall securely attach the tag issued. In the event that any tag is lost, defaced or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk, at a cost of \$2.00 each.
4. The fee for each dog licensed shall be \$10.00, unless a certificate of a veterinarian stating that the dog has been spayed or neutered has been presented to the Town Clerk, in which case the fee shall be \$5.00. An owner or keeper of less than four dogs, three months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs. Any owner or keeper of four or more dogs, six months of age or over, shall secure a kennel license as follows:
  - a. 4 or less dogs - \$18.00
  - b. 5 to 10 dogs - \$35.00
  - c. Over 10 dogs - \$65.00

No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog. A late fee of \$20.00 per dog will be charged for late renewals after June 30. This does not apply for newly acquired dogs or for individuals who have moved into Town less than 30 days prior to licensing. All dogs must be licensed every year.

5. A license shall not be issued for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies or indicating that, because of infirmity, other physical condition or regimen of therapy, said vaccination is deemed inadvisable. The rabies vaccination expiration date shall be recorded on the license record.
6. No fee shall be charged for a service animal as defined by the Americans with Disabilities Act or the regulations promulgated thereunder.
7. The owner or keeper of any dog shall provide proof of said license upon request of the Animal Control Officers, Police Officers or Selectboard.
8. The penalty for violation of this section, in addition to any other penalties provided by law, shall be \$50.00. The penalty for failure to license said dog within 30 days of notification of violation of this section shall be \$75.00.

#### 7-9-6 RUN AT LARGE; FINES

1. No owner or keeper of a dog shall allow such dog whether licensed or unlicensed to run at large within the boundaries of the Town of Westhampton. Run at large shall be defined as any dog outside the boundaries of its owners property not wearing a collar or harness with the appropriate tags attached as described in section 5(3); any dog roaming at will onto the property of those who have no ownership of said dog or have not granted permission for said dog to be within the boundaries of said persons property; any dog that puts itself in the way of harm.
2. No owner or keeper of a dog shall allow such dog to be under the responsibility and care of a person not adequate or capable to properly control said dogs actions or unable to use discretion regarding said dog.
3. Any dog found to be at large in violation of this section may be caught and confined by an officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control Officer, or authorized agent, shall attempt to notify the owner/keeper of record of a confined dog. The owner/keeper of said dog shall have a period of time, not to exceed 7 days, within which to recover said dog. Return of the dog to the owner/keeper of record shall be dependent upon admission of ownership or the keeping of said dog, and assumption of responsibility by the owner or keeper. If said dog is unlicensed, a current license shall be obtained and all impound fees paid prior to release of the dog. In addition to fees charged for boarding, medical or other care costs, there shall be an impound fee paid to kennel owner/operator in an amount to be determined by said operator.

4. This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season, the conducting of field trials for hunting dogs or the training or use of police K-9 units.

5. The penalty for violations of this section shall be \$25.00 for each offense.

7-9-7 deleted

7-9-8 deleted

#### 7-9-9 PERSONAL PROPERTY LIVESTOCK/FOWL DAMAGE; APPRAISAL; REIMBURSEMENT

1. Whoever suffers loss by the worrying, killing or maiming of his livestock or fowl by dogs shall inform the Animal Control Officer who shall commence the process of investigating the complaint, appraising the damage and awarding compensation in accordance with the procedures set forth in Massachusetts General Law c. 140, §161 and 161A.

#### 7-9-10 LIABILITY OF DOG OWNER

1. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, and the Selectboard shall order the owner or keeper to pay such damages after an investigation by the Animal Control Officer of the facts of the matter and appraisal conducted as outlined in Section 9 have concluded that said dog is at fault.

2. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Selectboard, the Animal Control Officer shall enter or cause to be entered a complaint in District Court for the enforcement of the order.

#### 7-9-11 VACCINATION AGAINST RABIES

1. The owner or keeper of a dog six months of age or older, housed or sheltered in the Town of Westhampton, shall cause such animal to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

2. Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

3. The owner or keeper of a dog shall present certification of rabies vaccination upon demand of the Animal Control Officers, police officers or other authorized officials of the Town.

4. The penalty for violation of this section shall be \$50.00 for each offense. The penalty for failure to vaccinate said animal within 30 days of notification of a violation of this section shall be \$75.00.

#### 7-9-12 QUARANTINE OF DOGS SUSPECTED OF HAVING CONTAGIOUS DISEASE

1. The owner or keeper of a dog is subject to the requirements of Massachusetts General Law c. 129, §21 and 330 CMR 10.06.

#### 7-9-13 COMPLAINT INVESTIGATION; ORDER TO RESTRAIN

If after a public hearing held under Massachusetts General Laws, Chapter 140, § 157 a dog is found by the Selectboard to be a Nuisance Dog or a Dangerous Dog, as those terms are defined in said statute, the owner of said dog shall be subject to the orders of the Selectboard regarding the keeping of the dog, and may be penalized as set forth in Massachusetts General Law, chapter 140, § 157A and, or by means of a non-criminal disposition (ticket) of the violation, with a fine of \$25.00 for each offense, to be issued by the Selectboard following all the provisions of the Massachusetts General Laws, Chapter 40, § 21D.

Within 10 days after such order the owner or keeper of such dog may petition for relief of said order in accordance with the provisions of Massachusetts General Law, Chapter 140, §157. Any person owning or keeping a dog subject to any order of the Selectboard, who shall fail to comply with said order of the Selectboard, shall be punished by a fine of \$100.00 for each offense. The owner/keeper of any dog subject to an order of the Selectboard shall be responsible for any and all costs of carrying out said order.

#### 7-9-14 VIOLATIONS AND PENALTIES

Unless otherwise stated, violation of any provision of these regulations shall be punished by a fine of \$100.00. The provisions of this Bylaw may be enforced by the Animal Control Officer or any Police Officer of the Town of Westhampton utilizing the procedures contained in Massachusetts General Law Chapter 140, Section 21D, as a non-criminal disposition of the violation. The fine for violations pursued utilizing the provisions of Chapter 140, §21D shall be \$50.00 unless otherwise specified within the Bylaw.

#### 7-9-15 BYLAW SUPERIORITY

This Bylaw supersedes any policies, directives, dog control, or dog restraint Bylaws now in effect. Unless otherwise provided for or mandated by law.

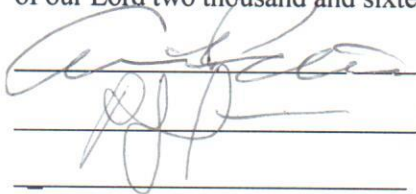
7-9-16 RELATION TO MASSACHUSETTS GENERAL LAWS

In addition to the requirements set forth in this bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to, the provisions of G.L. c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time.

7-9-17 AMENDMENTS TO BE CONSISTENT WITH GENERAL LAWS

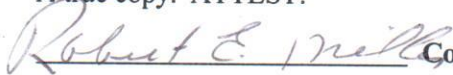
No amendment to this bylaw shall be proposed or adopted which is contrary to Massachusetts General Laws existing at the time of adoption of this bylaw.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this SECOND day of MAY in the year of our Lord two thousand and sixteen.



Selectboard of Westhampton

A true copy. ATTEST:



Constable of Westhampton

HAMPSHIRE, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Westhampton by posting up attested copies of the same at the Town Hall, Town Clerk's Office, Westhampton Public Library and Outlook Farm, at least seven days before the date of the meeting, as within directed.

Return of Service:

Constable

Date

