

GENERAL BYLAWS

**TOWN OF COLRAIN
55 Main Road
Massachusetts 01340-5500**

**Telephone (413) 624-3454
Fax (413) 624-8852**

**Website
Colrain-ma.gov**

MAY 2013

**BOARD OF SELECTMEN
Eileen Sauvageau, Chairman
Mark Thibodeau
Jack Cavolick**

**TOWN CLERK
Robin Hartnett**

**FRANKLIN COUNTY
COMMONWEALTH OF MASSACHUSETTS**

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AGRICULTURAL COMMISSION BYLAW

The establishment of the Agricultural Commission is to represent the Colrain farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Colrain; shall act as educators in matters of farming; and shall promote agricultural-based economic opportunities in Town.

The Commission will be made up of seven residents of the Town from the active farming community of Colrain appointed by the Board of Selectmen; a minimum of four members who are primarily engaged in farming and another three members who have a vested interest in farming. Three members for a term of three years, two members for a term of two years, and three years thereafter, and two members for a term of one year, and three years thereafter.

The appointing authority shall fill a vacancy based on the unexpired term of the vacated position in order to maintain the cycle of appointments, based on the recommendations of the Commission.

Voted June 13, 2005

BUILDING (STREET) NUMBERING

Amended Special Town Meeting, June 28, 2004, Article #10
Annual Town Meeting May 3, 1993, Article 26.

Street numbers have been assigned to each dwelling, place of business, shop, industrial structure or any other structure not deemed to be accessory; therefore, a permanent, weatherproof, reflective sign three (3) inches in height must be attached to the structure or, if the building cannot easily be seen from the public way, displayed prominently on a post placed at the entrance of the driveway. If the number is displayed on a post or mailbox the number must be displayed on each side. The number will be assigned to each structure as determined by the street numbering committee of Colrain.

Any new building requiring numbering will be assigned the number through the process of obtaining a building permit.

The building owner must display the assigned number within ninety (90) days of adoption of this bylaw and thereafter maintain the assigned number in a sightly and readable fashion.

CEMETERY METAL DETECTOR BYLAW

The foregoing amendment of the general by-laws adopted under article 32 of the warrant for the Colrain Annual Town Meeting that convened May 4, 1992, is hereby approved. Final text of the by-law as approved: "The use of a metal detector or other electronic device within the enclosure of a cemetery, tomb, sepulture, or grave is prohibited."

CONSERVATION COMMISSION

Voted May 1, 1989
Amended May 7, 2002

Moved and seconded to vote to accept the provisions of MGL, Chap 40 sec 8C, as amended, and establish a Conservation Commission for the purposes and with the rights and duties provided by law, to be composed of five members, appointed by the Selectmen for terms of three years each, except that initial appointments shall be; one for one year, two for two years and two for three years, and further vote that there be established a Conservation Fund as authorized by law and that \$165.00 be raised and appropriated for the maintenance of such commission and such Conservation Fund be under the control of the Commission.

CURB CUT BYLAW

Voted June 29, 1989

SECTION 1: PUBLIC WAY: a way accepted and maintained by a public agency.
DRIVEWAY: privately owned access to and from a public way.

SECTION 2: PURPOSES

- A) To provide better protection of public safety through the orderly control of traffic entering and exiting a public way.
- B) To provide the necessary grade and drainage to protect the public way from damage.

SECTION 3: APPLICATION FOR A PERMIT

- A) Any property owner desiring to construct a driveway which accesses a public way shall do so only after securing a written permit for such driveway from the Road Superintendent having charge of the maintenance and repair of such public ways.
- B) Any access from a public way that does not serve a building and is not used continuously on a year round basis such as access for agricultural, forestry and other uses must apply for a permit under this bylaw but will not be subject to the design standards set forth in SECTION 5. Such access ways will be subject to more general standards based on safety considerations and the need for protection of public ways.

- C) A driveway shall be designed and must receive approval from the Road Superintendent before a building permit for a newly constructed building is approved and the driveway construction shall be completed before any occupancy or use of the premises is permitted.
- D) Driveways that would be exempt from this permit requirements are:
 - 1) Driveways already in existence
 - 2) Driveways subject to M.G.L. C. 81, s.21 (state curb cut permit)
 - 3) Driveways reviewed by municipal boards under existing zoning and subdivision bylaws.

SECTION 4: PERMIT APPLICATION AND REVIEW PROCEDURES

- A) The property owner seeking a curb cut permit shall make a written submission to the Road Superintendent including two copies of the Application for Curb Cut Permit, including a plan showing:
 - 1) Any driveway that is to be created, altered or closed and the relationship to the public way.
 - 2) Construction details to describe compliance with Section 5, Design Standards.
- B) The Road Superintendent shall consult with the Police Chief and the Fire Chief and other interested town officials to obtain their comment on the plan.
- C) The Road Superintendent shall notify the property owner making the application within 21 days, in writing indicating:
 - 1) The curb cut does conform to the town's standard set forth in the bylaw, or,
 - 2) The curb cut does conform subject to certain modifications, conditions, restrictions, or,
 - 3) The permit is denied based on certain stated reasons.

If the Road Superintendent takes no action within 21 days of completed submission, the Curb Cut Permit is automatically issued in accordance with the plan and the Town Clerk may so certify.

If the permit is denied, an appeal may be made within 20 days to the Board of Selectmen.

- E) The Road Superintendent will inspect the project during and after construction and shall have the authority to halt construction and/or prohibit access to said driveway if construction is not in accordance with the approved plan, until objectionable conditions are corrected.
- F) The Road Superintendent shall "sign off" on the Permit after satisfactory completion of construction.

SECTION 5: DESIGN STANDARDS—These standards are for the purpose of this bylaw only and shall not apply to such curb cuts required for non-continuous, year round uses such as agriculture, forestry and other such uses.

- A) Culverts and Drainage: Existing drainage ditches parallel to public ways from which driveways will be constructed shall not be obstructed by new driveway construction. If a culvert is necessary, culverts of appropriate size and a durable material (such as asphalt-coated galvanized steel) shall be installed at the expense of the applicant. Culvert diameter shall be determined by the Road Superintendent or by a licensed professional engineer hired by the applicant.

Where appropriate in the judgment of the Road Superintendent, driveways shall be provided with parallel drainage swales and with culverts allowing storm water to cross the driveway without creating erosion or washouts.

- B) Sight Distances: All new driveways shall be constructed to allow for a minimum sight distance in both directions along the public way of not less than 100 feet, or if less than 100 feet it may be allowed at the discretion of the Road Superintendent. This distance shall be measured at the height of not more than four feet above the elevation of the driveway at its point of intersection with the public way (typical eye-level of car drivers)
- C) Gradients: Maximum gradient of any new driveway shall not exceed 12% within 25 feet of the edge of the traveled way.
- D) Construction Material: All new driveways must be provided with a minimum of 8 inches of sand and gravel (bank run or better) in which there are no stones greater than 4 inches in diameter. On slopes of between 5% and 12% within 35 feet of the edge of the way, the driveway shall be overlain by at least 4 inches of graded crushed gravel of “trap rock” gravel, in which the chip size does not exceed three-fourths of an inch to prevent unstabilized driveway material from washing out into the road.
- E) Width of the Driveway: the width of the entrance shall be at least 18 feet to allow safety vehicles to enter, and beyond the entrance, the driveway width shall be at least 10 feet to allow access for emergency vehicles.
- F) Safety of the Public During Construction: persons securing a permit are responsible for insuring the safety of the public in the excavated area. Adequate safety and warning devices must be placed at appropriate locations to adequately warn and protect the motoring and pedestrian public. Such devices may include reflectorized signs, barricades and barrels along with lights. Any liability arising from improper safeguards shall be borne by the person to whom the permit was issued. The Town of Colrain is not responsible for providing devices for safety signage.

COLRAIN DOG BYLAW

Approved June 21, 2003

Section 1: Validity

- 1.1 This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in M.G.L., Chapter 140, but is in addition to.

Section 2: Licensing

- 2.1 All dog licensing will be done through the Town Clerk's office. Dog licenses are issued for a one year period. Said licensing period is from April 1 to March 31. All dogs six months of age or older shall be licensed and have a current rabies inoculation as required under M.G.L. c140 s137 and 145B as amended.

Should any owner fail to license a dog before April 1, the owner or keeper shall pay a late fine of ten dollars (\$10.) before obtaining said license.

Should any owner fail to license a dog before May 15th, a complaint will be taken out in Greenfield District Court and the owner or keeper shall pay a late fine of \$25.00 before obtaining said license all in accord with M.G.L. Chapter 140, section 141.

- 2.2 Fees – Every dog must be licensed individually or under a kennel license.

The annual fee for individual licenses shall be set for the following categories

- a. Neutered male or spayed female dogs
- b. Not spayed female dogs

The annual kennel license fee shall be set for the following categories

- a. 4 dogs or less
- b. 5 to 10 dogs inclusive
- c. More than 10 dogs

All fees are set by the Board of Selectmen annually and are subject to change.

No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person; provided that a certificate issued by the division of the blind exhibited certifying that the dog is trained and is actually used by a blind person.

No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the director of the

office of deafness certifies that such dog is so trained and actually in the service of the deaf person, in accord with chapter 140, section 139.

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

2.3 Kennel Licensing.

Definition of a Kennel in accord with M.G.L. C.140, Sec. 136A is “one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over, owed or kept by a person on a single premises irrespective of the purpose for which they are maintained.”

Any person maintaining a kennel in the Town of Colrain who fails to license as prescribed by this section and the laws of the Commonwealth shall pay a late fine of twenty-five dollars (\$25) beginning April 1st.

Should any owner fail to license a dog before May 15th, a complaint will be taken out in Greenfield District Court.

The provisions of M.G.L. chapter 140, Sections 136A, 137A, 137B, 137C and 147A regarding kennel licensing shall be complied with.

2.4 All monies collected for licenses, fees or fines related to the licensing and care of dogs will be retained by the Town.

Section 3. Dogs Running At Large

3.1 No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person, nor allow such dog to roam at large on any portion of any public highway

3.1.1 Exceptions: Animals which are classified as hunting or sporting dogs, as well as working dogs, while used in such capacity.

3.1.2 This by-law shall remain in force year round.

3.2 Fines for unrestrained dogs who are found to be running at large shall be:

\$20.00 per offense for Dog Officer pick-up

\$20.00 per offense for running unrestrained first offense
\$35.00 per offense for running unrestrained second offense
\$50.00 per offense for running unrestrained third and subsequent offenses
\$10.00 per day holding fees (up to 10 days)

Dogs found to be running at large will be held for ten (10) days. Before any dog will be released, the dog must be licensed and all fines and fees are paid in full to the Town of Colrain. These fines and fees imposed are issued in accordance with M.G.L. chapter 140, section 173.

Section 4. Compliance with M.G.L. c 140, s136A-175

Notwithstanding anything contained herein dog owners are required to comply with all other Massachusetts General Laws regarding the keeping of dogs.

In the event that any provisions or sections of the by-law are deemed invalid or unenforceable, all other provisions shall remain in force and in effect.

Any claim that this bylaw is invalid due to a defect in the procedure by which the bylaw was adopted or amended may only be made within 90 days from November 4, 2003. Copies of this bylaw as well as the full set of bylaws may be reviewed or obtained (for a fee) at the town clerk's office.

Attested: Judith D. Sullivan
Town Clerk

DISPOSAL OF NUCLEAR OR RADIOACTIVE WASTE

There shall be no disposal of nuclear or radioactive waste in the Town of Colrain unless the proposed sight for the disposal of such materials is in compliance with the zoning by-laws of this Town, and,

1. The Town Meeting grants by a majority of the registered voters assembled permission to the Selectmen for the Selectmen, or their designee(s) to enter into negotiations with the developer(s) of the proposed nuclear or radioactive waste storage facility concerning the commission of, continuing operation of, and eventual decommission of said facility, and,

2. Final authorization for the construction and operation of any such nuclear and/or radioactive waste storage facility must be given by a majority of the registered voters assembled at town meeting.

FINANCE COMMITTEE BYLAW

The original vote was taken at the annual town meeting held on February 1, 1960. It was amended on May 7, 2002 and May 7, 2013. The following is the bylaw as amended.

Section 1. There shall be a finance committee of five (5) members who shall reside in the Town and shall be registered voters therein. No officer or employee of the Town shall be eligible to serve on said committee. The Moderator shall within sixty (60) days after final adjournment of each annual meeting, appoint three (3) members of said committee to serve for three (3) years, and all appointments to the committee heretofore made and in effect at the time of the adoption of this bylaw shall continue in force.

Section 2. In the event of a vacancy upon said committee, the Moderator shall forthwith make an appointment to fulfill said vacancy for the unexpired term.

Section 3. The Finance Committee shall elect its own Chairman and Secretary and there will be a minimum of three (3) to transact business.

Section 4. The Finance Committee shall consider all municipal questions relating to appropriations and may consider any municipal questions. It shall hear members of town departments and citizens of the town relative to any matter before the committee and shall make such recommendations as the committee deem advisable upon all subjects considered by it. It shall submit its recommendations and report to each town meeting, regular or special, and may also prepare and cause to be mailed a copy of such report and recommendations to each registered voter of the town at least seven (7) days prior to each town meeting regular or special.

HISTORICAL COMMISSION

Originally voted September 30, 1991

Voted at Special Town Meeting December 20, 1993

Moved and seconded to establish a Historical Commission of seven members to be appointed by the Board of Selectmen to three year staggered terms.

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS BYLAW

June 25, 1990

ARTICLE 6. Motion was made and 2nd to accept the provisions of M.G.L. Chapter 40, Section 57 and to enforce such provisions, adopt the following bylaw:

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

- 1) The tax collector or other town official responsible for records of all town taxes, assessments, betterments and other town charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter fees, assessments, betterments or other town charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement or such tax or a pending petition before the appellate tax board.
- 2) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfer 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 purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law,

except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing is in good standing with respect to any and all town taxes, fees, assessments, betterments or other town charges, payable to the town as the date of issuance of said certificate.

- G) 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.

- H) The Board of Selectmen may waive such denial, suspension or revocation if it finds that 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 denied in General Law Chapter 268, Section 1) in the business or activity conducted in or on said property.

This bylaw shall not apply to the following licenses and permits: open burning, section thirteen of chapter 48; bicycle permits, section 11-A of chapter eighty-five; sales of articles for charitable purposes, section thirty three of chapter one hundred and one; children work permits, section sixty-nine of chapter 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 license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits section one hundred and eighty-one of chapter one hundred and forty. Sections and chapters refer to the General Laws of the Commonwealth.

MODERATOR

May 6, 1997

The following vote was taken at the annual town meeting held on May 6, 1997.

ARTICLE 37. A motion was made and seconded to amend the town by-laws by adding the following language: “ The moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required”.

NON-CRIMINAL DISPOSITION

Approved Special Town Meeting June 28, 2004, Article 8.

Any by-law of the Town of Colrain, or rule or regulation of its officers, boards, or departments, the violation of which is subject to a specific penalty, may, as an alternative to criminal proceedings and at the discretion of the municipal officer who is the proper enforcing person, be enforced in the manner provided in Section 21D of Chapter 40 of the

Massachusetts General Laws. The non-criminal fine, if not otherwise specified by by-law or General Law, shall be \$50.00 for each offense. Each day on which a violation exists shall be deemed to be a separate offense.

“Enforcing person” as used in this by-law, shall mean any Town police officer of the Town of Colrain with respect to any office; and the building Inspector and his designees, the members of the Conservation Commission and its designees, the members of the Board of Health and its designees, and such other officials as the Board of Selectmen may designate, each with respect to violation of by-laws and rules and regulations within their respective jurisdictions. If more than one municipal official has jurisdiction in any given case, any such official may be an enforcement authority with respect thereto.

PERSONNEL COMMITTEE

Voted Annual Town May 1, 1989, Article 33
Amended Special Town Meeting September 24, 2001, Article 3
Amended Annual Town Meeting May 5, 2009, Article 25

To establish a Personnel Committee whose purpose shall be as follows;

- At regular intervals to be determined by the committee but no less than every three years, to review the Town’s employee job descriptions, personnel policies and workplace procedures and make recommendations as needed to the Board of Selectmen;
- To act as a Grievance Appeal Board for the Town;
- To periodically review evaluation methods used for employees to ensure applicability and equity and make recommendations as needed to the Board of Selectmen;
- To review classification requests and make recommendations to the Board of Selectmen.

The Personnel committee shall be composed of five members, appointed by the board of Selectmen for three year, staggered terms. No member of the Personnel Committee may be an employee of the Town nor hold an elected Town position.

PLANNING BOARD

Annual Town Meeting, May 4, 1987, Article 12

To establish a Planning Board with a (7) member board with length of terms from (5) five years to three (3) years. To establish said board there will be three members appointed for

three years, two members appointed for two years and two members for one year. As each term expires appointments will be for three years. These appointments are to be made within 30 days of the vote taken, all in accord with the Massachusetts General Laws, Chapter 41, Section 81A.

PROCUREMENT OFFICER

May 7, 1990

ARTICLE 29. Motion was made and 2nd to vote to accept the following bylaw: “Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or procurement officer designated pursuant to M.G.L. Chapter 30B is authorized to enter into any contract for the exercise of the Town’s corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or procurement officer shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.”

ARTICLE 30. Motion was made and 2nd to accept the following bylaw: “Pursuant to M.G.L. Chapter 30B, the Uniform Procurement Act, the Town of Colrain shall have as its Chief Procurement Officer may delegate his powers and duties, in accordance with M. G. L. Chapter 30B, Section 19, to one or more employees of the government body.

PUBLIC WAY

WORKING ON PUBLIC WAY WITHOUT POLICE

September 19, 1994

ARTICLE 3. Motion was made and seconded to vote the following Road Detail Bylaw: “ No public or private utility and/or construction company shall work on any public way within the Town of Colrain without first notifying the Police Chief for his/her designee. All road details shall be assigned by the Police Chief or his/her designee”

Voted unanimously in the affirmative

RECYCLING BYLAW

MANDATORY RECYCLING BYLAW

Special Town Meeting, January 23, 1989, Article 11.

Whereas, Colrain residents shall be required to separate certain recyclable material from garbage or trash.

SECTION 1: DEFINITIONS

Recyclables are the discarded materials described below:

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

Glass: all unbroken jars and bottles or similar products made from silice or sand, soda, ash and limestone, the product the being translucent and being used for packaging or bottling or various matter and all other materials commonly known as glass excluding:

Blue and flat glass and glass
Dishes and crockery

Ferrous Metal Cans: all containers composed in whole of iron or steel and so called “tin” cans used for the packaging or storing of various food and non-food items, except containers which contained paint or petroleum based solvents and pressurized aerosol cans.

Clean and Unsoiled Newspapers: including newsprint, all newspaper advertisements, supplements, comics and enclosures.

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

Mixed Paper: including magazine, catalogues, paperback books, “junk mail” and other household white paper.

SECTION 2: SEPARATION

- A) Newspaper shall either be packed in standard grocery shopping bags, placed in corrugated boxes or securely tied in bundles not weighing more than 50 pounds.
- B) Corrugated boxes and cardboard cartons shall be collapsed and tied in bundles not weighing more than 50 pounds.
- C) All other recyclables shall be placed in a receptacle provided by the town.
- D) Recyclables shall not be placed in the same refuse container as, or otherwise mixed with; other forms of solid waste.

SECTION 3: ENFORCEMENT

- A) The landfill attendant may refuse any and all refuse brought for disposal if recyclable material is not properly separated.
- B) Any resident or trash hauler that violates this bylaw shall be punishable by a fine not to exceed one hundred dollars.
- C) The recycling program shall be in effect after the Board of Selectmen have published a public notice detailing the starting date.
- D) The Board of Selectmen will be charged with the responsibility of enforcing this bylaw and may appoint the landfill attendant or any other town employee to act on the Board's behalf to insure compliance with this bylaw.

RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Colrain restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Colrain by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas with the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include but not limited to the following:

farming in all its branches and the cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities; growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; raising of livestock including horses; keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals. for

food and other agricultural purposes, including bees and fur-bearing animals. “Farming” shall encompass activities including, but not limited to, the following operation and transportation of slow-moving farm equipment over road with the town; control of pests, including but not limited to insects, weeds, predators and disease organism of plants and animals; application of manure, fertilizers and pesticides; conducting agricultural-related educational and farm-based recreational activities, including agric-tourism, provided that the activities are related to marketing the agricultural output or services of the farm; processing slaughtering and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto; cattle and livestock crossing roads; equestrian riders using town roads; slow moving vehicles used in agricultural activities such as transporting farm products; maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Colrain. The above described agricultural activities may occur on holidays, weekends and weekdays by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of the By-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after a purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property located in the Town of Colrain, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

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

operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the buyer prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Agricultural Commission or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail or by town newsletter.

The seller or the seller’s agent is responsible for the notification, and a violation of Section 4 shall be subject to a fine of \$100.00 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, *2 ID.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Colrain hereby declares the provisions of this By-law to be severable.

The Right to Farm By-law was passed at the annual town meeting held May 8, 2007 and approved by the Office of the Attorney General in a letter dated June 20, 2007.

ROAD DETAIL BYLAW

Voted Annual Town Meeting 9-19-1994, Article 3.

No public or private utility and/or construction company shall work on any public way within the Town of Colrain without first notifying the Police Chief for his/her designee. All road details shall be assigned by the Police Chief or his/her designee.

ROAD SURFACE CUT BYLAW

SECTION 1: DEFINITIONS – these definitions are for the purpose of this bylaw only.

PUBLIC WAY: a way accepted and maintained by a public agency.

ROAD SURFACE CUT: any construction through a public way, which will disturb the surface of the way

SECTION 2: PURPOSE

To provide for the orderly control and regulation of road surface cuts within public ways by enforcing standards for the repair of the road surfaces affected by such actions.

SECTION 3: APPLICATION FOR PERMIT

Any person or entity doing work, which requires a road surface cut in a public way, must first obtain a written permit from the Road Superintendent having charge of the maintenance and repair of such public ways.

SECTION 4: PERMIT APPLICATION AND REVIEW PROCEDURE

- A) The applicant seeking a road surface cut permit shall make a written submission to the Road Superintendent.
- B) The Road Superintendent shall notify the applicant making the application within 21 days, in writing indicating whether the application conforms to the town's standards and is approved or that the application does not conform to the town's standards and is denied. If the permit is denied, an appeal may be made in writing within 21 days to the Board of Selectmen.
- C) Once an approved application is issued, the Road Superintendent must be notified at least 24 hours before construction commences on any project, which will disturb the surface of any public way.

SECTION 5: STANDARDS

- A) **EXCAVATION:** When excavation is to be done within the limits of a paved surface, the surface shall be cut to a straight and vertical edge. Care shall be taken not to disturb or in any way damage the

surface beyond these edges. Any equipment working on the project which may, in the opinion of the Road Superintendent, damage the surface, shall work or be propelled on suitable platforms to prevent any marking or other damage to the roadway surface. Care shall be taken in stacking excavated materials on the surface, not to mark or in any way damage the roadway surface.

No excavation will be approved, on roads having a bituminous concrete surface, within 5 years of new surfacing.

Excavation of other roads, not paved, shall be coordinated in such a way as to prevent excess damages in the judgment of the Road Superintendent.

- B) **BACKFILLING TRENCHES:** All roads shall be backfilled and compacted in 6 inch lifts to within one foot shall be filled with gravel “bank run” or better with no stones larger than 2 ½ inches in diameter and brought to grade.
- C) **REPLACING SURFACE:** For paved roads the permanent surface shall not be replaced for at least 60 days after the above work has been completed. Following the completion of the work, a temporary surface of bituminous patch shall be placed prior to placement of the permanent surface. The permanent surface shall be replaced no later than 6 months after the work has been completed. The gravel backfill shall be excavated to a depth of at least 3 inches. Three inches of bituminous concrete, type I-1, shall be placed and compacted in two layers or 1½ inches for each layer, so that the finished surface shall be level with the roadway surface. The person applying for the permit is responsible for the work, which must meet the satisfaction of the Road Superintendent.
- D) **CLEAN-UP:** All ledge, boulders or other debris left from construction shall be removed from with the roadway layout by the contractor before the project is accepted by the town.
- E) Any cost incurred by the Town having to repair work not conducted properly in accordance with these guidelines will be the liability of the permit holder and will be billed accordingly.
- F) Contractors shall furnish, to the satisfaction of the Town, a certificate of insurance showing adequate coverage for the project being undertaken.
- G) **SAFETY OF THE PUBLIC DURING CONSTRUCTION:** Persons securing a permit are responsible for insuring the safety of the public in the excavated area. Adequate safety and warning devices must be placed at appropriate locations to adequately warn and protect the motoring and pedestrian public. Such devices may include reflectorized signs, barricades and barrels along with lights. Any

liability arising from improper safeguards shall be borne by the person to whom the permit was issued. The town of Colrain is not responsible for providing for safety signage.

SNOW REMOVAL

Voted Annual Town Meeting May 3, 1982, Article 24.

Any person blowing, throwing or plowing snow or ice across a public way shall have all road surface completely cleared so that in no way will interfere with the highway department of the town in the plowing the roads and streets in their normal fashion.

Whoever violates this provision shall forfeit not more than \$50.00 for each offense, said forfeit to be recovered before the District Court.

TOWN CLERK FEES APPROVED FOR THE TOWN CLERK'S OFFICE

Voted May 6, 1991, Article 36

For recording deed of lot or plot in a public burial place or cemetery	5.00
For filing and indexing assignment for the benefit of creditors	10.00
For entering amendment of a record of birth of a child born out of wedlock, subsequently legitimized	5.00
For correcting errors in a record of birth	10.00
For furnishing certificate of birth	5.00
For furnishing an abstract copy of a record of birth	4.00
For entering delayed record of birth	10.00
For filing certificate of a person conducting business under any title other than his/her name	10.00
For filing by a person conducting business under any title other than his/her name of statement of change of his/her residence, or of his/her discontinuance, retirement or withdrawal from, or of a change of	

location of such business	5.00
For furnishing certified copy of certificate of person conducting business under any title other than his/her real name or a statement by such person of his/her discontinuance, retirement or withdrawal from any such business	3.00
For recording the name and address, the date and number of the certificates issued to a person registered for the practice of podiatry in the Commonwealth.	10.00
For correcting errors in a record of death	10.00
For furnishing a certificate of death	5.00
For furnishing an abstract copy of a record of death	4.00
For entering notice of intention of marriage and issuing certificate	10.00
For entering certificate of marriage filed by persons married out of the Commonwealth	5.00
For issuing certificate of marriage	5.00
For furnishing an abstract copy of a record of marriage	4.00
For correcting errors in a record of marriage	10.00
For recording power of attorney	5.00
For recording certificate of registration granted to a person to engage in the practice of optometry, issuing a certified copy thereof	10.00
For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	10.00
For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers, thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166	flat rate 25.00
	additional sheet 5.00
Voter's Card	1.00
For examining records or papers relating to birth, marriage or deaths Upon the application of any person the actual expense thereof, But not less than	5.00

For copying any manuscript or record pertaining to a birth, Marriage or death		3.00
For receiving and filing of a complete inventor of all items to be included in a "Closing out Sale"	cost per page	2.00
For filing a copy of written instrument of declaration of trust by the Trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chap 182		10.00
Recording any other documents	first page	5.00
	Each add'l	2.00

UNREGISTERED MOTOR VEHICLE BYLAW

The following vote was taken February 6, 1967 regarding unregistered motor vehicles in the Town of Colrain.

ARTICLE 23. A motion was made and seconded to accept the following as a by-law, in regard to unregistered motor vehicles:

SECTION 1. The keeping of more than one unregistered motor vehicle, assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted unless said motor vehicle is stored within an enclosed building.

SECTION 2. A Special Permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received notice, may be granted by a Board of Selectmen, if it finds that such keeping

- 1.) is in harmony with the general purposed and intent of this by-law;
- 2.) will not adversely affect the neighborhood; and
- 3.) will not be a nuisance.

SECTION 3. All such granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to reasonable length of time.

SECTION 4. This article shall not apply to motor vehicles which are designed and used for farming, industrial, construction and manufacturing purposed nor shall this

article apply to land owners or tenants who store vehicles out of sight of both abutters and public ways.

SECTION 5. Whoever violates any provisions of this Article of the By-Laws shall be liable to a penalty of five dollars (\$5.00) per day for each day of violation, commencing ten (10) days following date of receipt of written notice from the Board of Selectmen.