

GENERAL BY-LAWS

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June 2024

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**FRANKLIN COUNTY
COMMONWEALTH OF MASSACHUSETTS**

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AGRICULTURAL COMMISSION BY-LAW

Annual Town Meeting, June 13, 2005, Article 34

Amended Annual Town Meeting, June 14, 2022, Article 33

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 Select Board; 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.

ANIMAL CONTROL BY-LAW

Annual Town Meeting, June 14, 2022, Article 35

Administration

1. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
2. Definitions for this by-law shall be adopted and defined by M6L c. 140 §136A

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
2. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
3. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
4. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.

5. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
 - a. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
6. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
7. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
 - a. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
8. All license fees collected shall deposited as defined in MGL c140 § 147

Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Kennels may be established where allowed and permitted by the Town of Colrain Zoning Bylaw.
5. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
6. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the renewal and licensure is not in contradiction any by-law or Massachusetts General Laws that would prohibit the renewal or issuance of the license.
7. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be handled in accordance with MGL c. 140 §137C.
8. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
9. All license fees collected shall deposited as defined in MGL c. 140 § 147.

Dogs Running-At-Large; Unrestrained

1. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained with a chain or leash.
 - a. Exception: This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140 §139.

2. The owner or keeper of any dog which is not on the premises of the owner or keeper or upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
3. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
4. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying ail costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.
5. This by-law shall remain in force year-round.
6. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Colrain, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.
 - a. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person whom is handicapped as defined in MGL c. 272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their

order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.

5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Selectmen shall not order the banishment and tethering.
6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

Impoundment and Kenneling

1. Impoundment:
 - a. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
 - b. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
 - c. The animal shall be secured in the town kennel or other such approved holding facility.
2. Kenneling:
 - a. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.
 - i. Required Documentation shall be considered: Proof of Ownership, Valid Rabies Certificate, and valid Town License.
 - b. The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.
 - i. All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.
 - c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.
 - i. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.
3. Disposition of Animals:
 - a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.

- b. Unclaimed Animals: In accordance with M6L c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall become property of the town and shall be handled at the discretion of the Animal Control Officer.
 - i. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Humane Treatment

1. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
2. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140 § 174E.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
 - b. Clarification Note: MGL 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.
3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:
Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:
Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

Livestock

1. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming a nuisance by way of trespass upon public ways; public lands; and the lands of another person.
2. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the town.
3. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.
4. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission.
 - a. For the purpose of this bylaw section, the term notification shall include: In writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; In person; By phone conversation with the owner or person having care of the animals; by phone with a voicemail left at the last known number for the owner or person having care of the animals; By other means not defined here that a reasonable person would find acceptable.
5. If said animals remain at-large twelve (12) hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.
6. Each twelve (12) hour period that the animals remain at-large shall constitute another offense. An offense shall be limited to a period of twelve (12) months.
7. In the event of multiple occurrences within a period of time, in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls trespass upon any public way or lands in the town; or the premises of another person without the permission. The owner or person having care of said animals, shall be deemed in violation of paragraph A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.
8. If the owner or person having care of the animals, is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation may forgo issuing a monetary fine, however, the occurrence shall still count as a first offense.
9. Nothing in this section shall preclude prosecution under section 118 of chapter 266.

Fees; Enforcement, Violations and Penalties

1. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
2. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
3. Violation of Dog Control Laws:
Shall utilize the following schedule of fines as defined in MGLc.140 §173A .

- a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$100 (one hundred dollars)
 - c. Third Offense: \$300 (three hundred dollars)
 - d. Fourth/Subsequent Offense: \$500 (five hundred dollars)
 - e. The town may require a dog to be spayed/neutered If applicable.
4. Livestock - Failure to recover animals at large:
Violations of the Livestock provision will utilize the following schedule of fines.
- a. First Offense: \$20 (Twenty dollars)
 - b. Second Offense: \$40 (Forty dollars)
 - c. Third/Subsequent Offense: \$50 (fifty dollars)
5. Other violations:
If no specific fine is listed for a specific provision, the following fine schedule shall apply:
- a. First Offense: Verbal Warning
 - b. Second Offense: \$25 (twenty-five dollars)
 - c. Third Offense: \$50 (fifty dollars)
 - d. Fourth Offense/Subsequent: \$100 (one hundred dollars)
6. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
7. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
8. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

BUILDING (STREET) NUMBERING

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

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 by-law and thereafter maintain the assigned number in a sightly and readable fashion.

CEMETERY METAL DETECTOR BY-LAW

Annual Town Meeting, May 4, 1992, Article 32

The use of a metal detector or other electronic device within the enclosure of a cemetery, tomb, sepulture, or grave is prohibited.

CONSERVATION COMMISSION

Annual Town Meeting, May 1, 1989, Article 35

Amended Special Town Meeting, June 26, 2000, Article 1

Amended Annual Town Meeting, May 7, 2002, Article 30

Amended Annual Town Meeting, June 14, 2022, Article 33

Pursuant to 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 seven members, appointed by the Select Board for terms of three years each. The appointments shall be: two for one year, two for two years and three for three years.

COUNCIL ON AGING BY-LAW

Annual Town Meeting, May 1, 1978, Article 17

Amended Annual Town Meeting, June 14, 2022, Article 33

Pursuant to the provisions of the General Laws, Chapter 40, Section 8B, there is hereby established a Council on Aging, consisting of nine members appointed by the Select Board, who shall be voters and residents of the Town. They shall be appointed as follows: three members for three years, three members for to be appointed for two years, and three members to be appointed for one year. The Council shall annually elect its chairman and other officers as it deems appropriate.

The Duties of the Council shall be to: Identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design promote, or implement services to fill these needs, or coordinate present existing services in the community, promote, support any other programs designed to assist elderly programs in the community.

Said Council shall cooperate with the Commonwealth of Massachusetts, Department of Elder Affairs and shall be cognizant of all State and Federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Select Board with a copy of that report directed to the Commonwealth, Department of Elder Affairs.

The number of Council members can vary depending upon the Community; anywhere from five to seventeen.

CURB CUT BY-LAW

Special Town Meeting, June 29, 1989, Article 18
Amended Annual Town Meeting, June 14, 2022, Article 33

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 by-law 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 sub-division by-laws.

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 by-law, 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 Select Board.

- 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 by-law 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.

DISPOSAL OF NUCLEAR OR RADIOACTIVE WASTE

Special Town Meeting, February 22, 1982, Article 6
Amended Annual Town Meeting, June 14, 2022, Article 33

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 Select Board for the Select Board, 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.

EDITING OF BY-LAWS

Special Town Meeting, July 1, 2019, Article 1

The Town Clerk is authorized to assign appropriate numbers and formatting to by-law sections, subsection, paragraphs, and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Select Board, to make non-substantive, editorial revisions to ensure consistent and appropriate formatting and numbering.

FINANCE COMMITTEE BY-LAW

Annual Town Meeting February 1, 1960, Article 28
Amended Annual Town Meeting May 7, 2002, Article 29
Amended Annual Town Meeting May 7, 2013, Article 41

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 by-law 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

Special Town Meeting, September 30, 1991, Article 13
Amended Special Town Meeting, December 20, 1993, Article 2
Amended Annual Town Meeting, June 14, 2022, Article 33

Establish a Historical Commission of seven members to be appointed by the Select Board to three-year staggered terms.

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS BY-LAW

Annual Town Meeting, June 25, 1990, Article 6
Amended Annual Town Meeting, June 14, 2022, Article 33

Section 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.

Section 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.

Section 3: 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.

Section 4: The Select Board 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 by-law 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

Annual Town Meeting, May 6, 1997, Article 37

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

Special Town Meeting June 28, 2004, Article 8
Amended Annual Town Meeting, June 14, 2022, Article 33

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 Select Board 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.

OPEN SPACE PLANNING COMMITTEE

Annual Town Meeting, May 4, 2004, Article 35
Amended Annual Town Meeting, June 14, 2022, Article 33

Section 1. There shall be an Open Space Planning Committee of seven (7) members who shall either hold residence or be a landowner in Colrain. The Select Board shall within sixty (60) days of this annual town meeting date appoint members with staggered terms as follows: three (3) positions for three years, two (2) positions for two years and two (2) positions for one year. Annually in May thereafter, the Select Board shall appoint members for three-year terms as terms expire. In the event of a vacancy upon said committee, the Select Board shall forthwith make an appointment to fill vacancy for the unexpired term. The Open Space Planning Committee shall elect its own Chairperson, Vice-Chairperson, and Secretary and there will a minimum of four (4) to transact business.

Section 2. The Open Space Planning Committee shall carry forward the recommendations provided by the Colrain Open Space and Recreation Plan completed in Spring 2004, as well as consider any questions and concerns relative to open space preservation and recreation planning in Colrain.

PERSONNEL COMMITTEE

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
Amended Annual Town Meeting, June 14, 2022, Article 33

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 Select Board
- 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 Select Board
- To review classification requests and make recommendations to the Select Board.

The Personnel committee shall be composed of five members, appointed by the Select Board 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

Annual Town Meeting, May 7, 1990, Article 29 & 30

Amended Annual Town Meeting, June 14, 2022, Article 33

ARTICLE 29. Unless otherwise provided by a vote of Town Meeting, the Select Board 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 Select Board 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. 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.

RECYCLING BY-LAW

Special Town Meeting, January 23, 1989, Article 11

Amended Annual Town Meeting, June 14, 2022, Article 33

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 by-law shall be punishable by a fine not to exceed one hundred dollars.
- C) The recycling program shall be in effect after the Select Board have published a public notice detailing the starting date.
- D) The Select Board will be charged with the responsibility of enforcing this by-law and may appoint the landfill attendant or any other town employee to act on the Board’s behalf to insure compliance with this by-law.

RIGHT TO FARM BY-LAW

Annual Town Meeting, May 8, 2007, Article 38
Amended Annual Town Meeting, June 14, 2022, Article 33

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 agri-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 Select Board 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.

ROAD DETAIL BY-LAW

Special Town Meeting September 19, 1994, Article 3
Amended Attorney General, December 21, 1994

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.

State highways and any other way, maintained by the Commonwealth as provided in G.L c. 81 and elsewhere in the General Laws, are not subject to this article. The practical effect of this restriction is that the State Police, and not the town's Police Chief, will assign road details on state highways.

ROAD SURFACE CUT BY-LAW

Special Town Meeting, June 29, 1989, Article 17
Amended Annual Town Meeting, June 14, 2022, Article 33

SECTION 1: DEFINITIONS – these definitions are for the purpose of this by-law 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 Select Board.
- 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

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

Annual Town Meeting, 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 BY-LAW

Special Town Meeting, February 6, 1967, Article 23
 Amended Annual Town Meeting, June 14, 2022, Article 33

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 Select Board, 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 Select Board.

STRETCH ENERGY CODE BY-LAW

Annual Town Meeting May 8, 2018, Article 30

Definitions -

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Purpose - The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

Applicability - This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

Stretch Code - The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Colrain General By-laws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of Jan 1, 2019.