

BYLAWS OF THE TOWN OF GRANBY

CONTENTS VOLUME I

CHAPTER I	TOWN MEETING/ELECTIONS/RECALL-----	Page 1
CHAPTER II	SELECT BOARD -----	Page 6
CHAPTER III	TOWN ADMINISTRATOR-----	Page 8
CHAPTER IV	BUDGET-----	Page 11
CHAPTER V	FINANCE COMMITTEE-----	Page 17
CHAPTER VI	TOWN CLERK-----	Page 19
CHAPTER VII	TOWN TREASURER-----	Page 20
CHAPTER VIII	TOWN COLLECTOR-----	Page 21
CHAPTER IX	TOWN OFFICIALS AND TOWN BUSINESS-----	Page 22
CHAPTER X	COMMITTEES APPOINTED BY THE SELECT BOARD-----	Page 25
CHAPTER XI	REGULATION OF TRAFFIC AND MOTOR VEHICLES-----	Page 26
CHAPTER XII	TAG SALE AND FLEA MARKET REGULATIONS-----	Page 31
CHAPTER XIII	BYLAWS-----	Page 33
CHAPTER XIV	PENALTY-----	Page 34
CHAPTER XV	BOARD OF APPEALS-----	Page 36
CHAPTER XVI	GAS INSPECTOR-----	Page 37
CHAPTER XVII	ANIMAL CONTROL-----	Page 38
CHAPTER XVIII	COUNCIL ON AGING-----	Page 44
CHAPTER XIX	BUILDING INSPECTOR-----	Page 45
CHAPTER XX	PUBLIC HEALTH AND SAFETY-----	Page 46

CONTENTS

VOLUME I

CHAPTER XXI	FEE-----	Page 53
CHAPTER XXII	HISTORIC COMMISSION-----	Page 54
CHAPTER XXIII	RIGHT TO FARM BYLAW-----	Page 57
CHAPTER XXIV	STRETCH ENERGY CODE-----	Page 59
CHAPTER XXV	SEVERABILITY-----	Page 60
APPENDIX 1	VIOLATION FEE SCHEDULE-----	Page 61

BYLAWS OF THE TOWN OF GRANBY

GENERAL BYLAWS

CHAPTER I. TOWN MEETING, TOWN MODERATOR, ELECTIONS and RECALL

Section 1. ANNUAL TOWN MEETING DATE

The Annual Town Meeting for the transaction of business shall be held on the second and fourth (if needed) Tuesday in May.

Section 1a. TOWN MODERATOR

The Town Moderator shall be elected at the Annual Town Election for a term of three (3) years.

Section 2. ELECTION OF OFFICERS

A. DATE OF ELECTION OF OFFICERS

The Annual election of Elected Officers shall be held on the third Tuesday in May.

B. COMMENCEMENT OF TERMS OF OFFICE

The terms of office of all newly elected officials at the Annual Town Election will not commence until after the Annual Town Meeting is dissolved. All other officials elected or appointed, holding office at the time of the Annual Town Election, shall continue in office until their successor has been sworn in.

Section 3. ELECTED OFFICIAL RECALL (SECT. 3 PENDING PASSAGE OF SPECIAL LEGISLATION)

A. RECALL DESCRIPTION

Any holder of an elected office in the Town of Granby may be recalled therefrom by registered voters of the Town as hereinafter provided. No recall petition shall be filed against an officer within six months after he/she takes office, nor, in the case of an official subjected to a recall election and not recalled thereby, until at least six months after the election at which his/her recall was submitted to the voters. The recall of an elected official will consist of a 3-step process.

B. INITIATION OF THE RECALL AFFIDAVIT

(Step one) The Affidavit

Any 100 registered voters of the Town of Granby may initiate a recall petition by filing an affidavit with the Town Clerk. The affidavit shall contain the name of the official sought to be recalled and a statement of the grounds of recall.

- (1) The Select Board may appoint a Temporary/ Interim Town Clerk to handle the recall process and Election should the Town Clerk be the Elected official subjected to the recall.

C. THE PETITION

(Step two) The Petition

If the affidavit process has been completed in compliance with the requirements of Section B of this Chapter, the Town Clerk shall provide a sufficient number of copies of petition blanks demanding such recall (printed forms of which shall be kept on hand) to the voters who made the affidavit. The blanks shall be issued by the Town Clerk and bear the Clerk's signature and Official Seal; they shall be dated and addressed to the Select Board and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. Such blanks must be provided within five Town hall business days during regular business hours. Said recall petition shall be returned and filed with the Town Clerk on the 28th day after the requesting voter receives the blank petitions from the Town Clerk. In the event that the Town hall is not open on the 28th day, the petition may be filed during normal business hours on the next Town hall business day. The petition, before being returned and filed, shall be signed by qualified voters of the Town, equal in number to at least 25 percent of the qualified voters of the Town as of the date the affidavit was filed with the Town Clerk. Every signature must be accompanied by the signer's place of residence, giving the street and number. The Registrars of Voters shall forthwith certify the number of signatures.

D. THE RECALL ELECTION

(Step three) The Recall Election

If the petition shall be found and certified by the Registrars of Voters to be sufficient, the Town Clerk shall forthwith submit it with the certificate to the Select Board. The Select Board shall forthwith give written notice to said official of the receipt of said certificate and, if the official sought to be removed does not resign within seven calendar days, shall order an election to be held on a day fixed by them not less than 45 days nor more than 60 days after the date of the Town Clerk's certificate that a sufficient petition is filed. However, if any other Town election is to occur within 90 days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

E. STATEMENT OF GROUNDS

The reasons for which a recall may be initiated include but are not limited to:

(1) Lack of Fitness -insobriety while performing official functions, involuntary commitment to a mental health facility, being placed under guardianship or conservatorship by a probate court.

(2) Conviction- conviction of a felony involving moral turpitude, conviction or bribery, or extortion.

(3) Neglect of Duties- repeated absences from meetings without just cause. Just cause shall include, but not be limited, to illness or regular vacation periods.

(4) Misfeasance - performance of official acts in an unlawful manner, or a willful violation of the conflict of interest law, open meeting law or other ethical violations.

F. DUTIES OF THE INCUMBENT

The incumbent shall continue to perform the duties of his/her office until the recall election. If the official is not recalled, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, except as provided in this act. If the official is recalled in the recall election, he/she shall be deemed removed upon the election of his/her successor, who shall hold office during the unexpired term. If the successor fails to take office within five days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

G. RECALL ELECTION BALLOT

Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of official). Against the recall of (name of official). Immediately at the right of each proposition, there shall be an oval above which reads "vote for one". The voter, by filling in said oval, may vote for either of such propositions. Under the propositions shall appear the word "Candidates," and the direction "vote for one" and beneath this the names of candidates nominated as hereinbefore provided. In case of other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter.

H. VOTING RESULTS

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of votes on the question is in the negative, the ballot for candidates need not be counted.

I. CANDIDATES TO SUCCEED THE ELECTED OFFICIAL

Any elected official sought to be recalled may not be a candidate to succeed himself/herself. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

J. APPOINTMENT OF RECALLED OR RESIGNED OFFICIAL

Any person who has been removed from an office or who has resigned from office while recall proceedings were pending against him/her shall not be appointed to any Town office within two years after such removal or such resignation.

K. EFFECTIVE DATE

This act shall take effect upon its passage.

Section 4. TOWN MEETING AND SPECIAL TOWN MEETINGS

A. WARRANTS

Ten (10) voters registered in Granby may petition the Select Board asking for the insertion of an article in the warrant for the Annual Town Meeting. If the petition is accepted, there shall be appended to the article the name of the first person signing the petition and the words "and others."

B. SPECIAL TOWN MEETINGS

Special Town Meetings for the transaction of business may be called by the Select Board at their discretion. In addition:

- (1) If the Select Board are presented with a certified petition bearing the names of at least one hundred (100) registered voters requesting Town Meeting action on one or more matters, said matters shall be inserted on the next called Special Town Meeting.
- (2) The Select Board shall call a Special Town Meeting upon request in writing of a certified two hundred (200) voters registered in Granby. The meeting will be scheduled within 45 days as dictated by Mass General Laws.

C. PUBLIC POSTING OF WARRANTS AND ANNUAL TOWN REPORT

Warrants for all Town Meetings shall be posted 14 days in advance in accordance with Mass General Laws, in a minimum of three (3) public places. The Annual Town Report shall be made available in a minimum of three (3) public places at least seven (7) days prior to the Annual Town business meeting. Copies of the warrant and the Annual Town Report will also be available in the Town Hall. The warrant will be publicized in a locally available newspaper and posted on the Town's official website. Notifications will also be made by way of all call at least seven (7) days prior as long as the Town has access to the applicable technology.

D. QUORUMS

Thirty (30) registered voters shall constitute a quorum at all business meetings. The Moderator will adjourn Town Meeting in the event there are fewer than a quorum of registered voters present.

E. ORDER OF ARTICLES

Articles should be considered in the order given in the warrant.

F. MEETING CONTENT

Business shall be restricted to those subjects stated in the warrant and matters reasonably related thereto or required by law to be acted upon.

G. MOTIONS TO AMEND

Motions to amend made during the meeting shall be submitted to the Moderator in writing before a vote is called.

H. METHOD OF VOTING

Voting shall be by a show of hands, or electronic means, and declared by the Moderator, unless a 2/3rds or more vote is required by law. On matters requiring a 2/3rds or more vote, the Moderator may dispense with the requirement of taking count of the vote if it is clear to the Moderator that a 2/3rds or more of those voting approved the action or that more than 1/3rd of those voting defeated the action. If seven voters immediately question a vote so declared, the Moderator shall verify the declaration by taking count of the vote. At any time after a motion is presented, a majority of Town Meeting may order a vote by secret ballot.

I. PERMISSION TO SPEAK

Ordinarily, only voters registered in Granby shall be permitted to speak at any Town Meeting. The Town Administrator, the Superintendent of Schools, Town Counsel and all department heads who are not registered as voters in Granby, may speak at the discretion of the Moderator. Others not registered as voters may speak at the discretion of the Moderator and with the approval of the Town Meeting. Persons not registered as voters in Granby may be present at a Town Meeting but shall sit in a specified place at the meeting.

CHAPTER II. Select Board

Section 1. DIRECTION AND MANAGEMENT

The Select Board shall have general direction and management of the property of the Town and in all matters affecting the interest or welfare of the Town, except as otherwise provided by law or by these Bylaws.

Section 2. AUTHORITY TO PROMULGATE

The Select Board shall have the authority to promulgate Town rules and regulations which are not otherwise enumerated by Massachusetts General Laws or Town Bylaws. Any such rules and regulations to be considered shall be subject to a public hearing process.

Section 3. APPEARANCES

The Select Board may appear either personally or by Counsel before any committee of the General Court, any court, or board or commission to protect the interests of the Town but are not authorized by this Bylaw to commit the Town to any course of action.

Section 4. SUITS AND ACTIONS

The Select Board shall have charge and management of all suits and actions for and against the Town, except such suits as are within the scope of the duties of the Town Collector and Treasurer, and may prosecute, defend, or settle the same as they see fit, unless otherwise directed by vote of the Town.

Section 5. AUTHORITY TO APPOINT TOWN SPECIAL COUNSEL

The Select Board, acting as Town Agents, shall have the authority to appoint and employ a Special Town Counsel to act on behalf of the Town and its various Officers, committees and boards if it becomes necessary.

Section 6. AUTHORIZATION TO AUCTION PROPERTY

The Select Board are authorized to sell at public auction property taken by the Town under tax title procedure, provided the Select Board or whomever they may authorize to hold such public auction may reject any bid they deem inadequate. Notice of such sale must be published and posted in five (5) public places at least fourteen (14) days before such sale.

Section 7. AUTHORITY TO APPOINT (holidays and occasions)

The Select Board may appoint or assign responsibility for activities on behalf of the Town in the observance of holidays or special occasions.

Section 8. LICENSING OF SHOPS

The Select Board may license suitable persons to be collectors of, dealers in, or keepers of shop for the purchase, sale, or barter of junk, old metal or secondhand articles; and no such person shall be a dealer in or keeper of a shop as aforesaid without such a license.

Section 9. AUTHORITY TO APPOINT TOWN ADMINISTRATOR

The Select Board shall appoint pursuant to Massachusetts General Law Chapter 41 Section 108N a Town Administrator for a term not *to exceed 3 years MGL 41 Section 23A*. The Town Administrator may be appointed for successive terms of office. The Town Administrator shall serve as the chief administrative officer under the direction of the Select Board, shall perform the duties assigned by the Select Board and shall not perform any function that has not been approved for the Town Administrator by the Select Board or these Bylaws.

CHAPTER III. TOWN ADMINISTRATOR

Section 1. APPOINTMENT

The Select Board shall appoint, pursuant to M.G.L. Chapter 41 Section 108N, a Town Administrator for a term not to exceed three (3) years per M.G.L. Chapter 41 Section 23A. The Town Administrator may be appointed for successive terms of office.

Section 2. TOWN AFFAIRS

The Town Administrator, who serves as the Chief Administrative Officer, oversees the administration of all Town affairs and supervises Town departments that are placed in the Town Administrator's charge. It is the Town Administrator's job to implement and manage all policies, programs and procedures that have been implemented by the Select board.

Section 3. APPOINTMENT AUTHORITY

The Town Administrator shall appoint the Town Accountant, Highway Superintendent, Police Chief, Council on Aging Director, Constables, Fire Chief, Building Inspector, Tree Warden, Town Counsel and Special Counsels, Conservation Commission, Council on Aging, Historical Commission and any other commissions, committees, boards or offices under the Town Administrator's direction and supervision, in whole or in part.

Section 4. SWORN IN

Before entering the duties of the office, the Town Administrator shall be sworn in by the Town Clerk.

Section 5. APPOINTMENTS BY THE TOWN ADMINISTRATOR

A commission, board or employee appointed by the Town Administrator may appoint such employees as it deems necessary, but such appointments shall be subject to the pre-approval of the Town Administrator. The commission, board or officer shall inform the Town Administrator, in writing, of its intent to post an opening for a position. If the Town Administrator pre-approves the notice of intent to post an opening, the commission, board or officer may then proceed to fill the position in accordance with general and special laws, Town Bylaws and personnel policies. Once the commission, board or officer has selected a candidate to fill the position, it shall inform the Town Administrator, in writing. The Town Administrator may, within fifteen (15) days after receipt of the notice, disapprove the appointment, otherwise the appointment shall take effect. The Town Administrator, subject to the approval of the Select Board, may consolidate or abolish any employee position described in this section, subject only to the limitations of the General laws.

Section 6. RESPONSIBILITIES AND AUTHORITY

The Town Administrator shall be the Chief Administrative Officer and Chief Financial Officer of the Town and shall be responsible for the administration of all Town affairs placed in the Town Administrator's charge under such appointment and shall have the powers and duties described herein. The Town Administrator shall:

- (1) Supervise and direct the activities of the Town's departments, boards, commissions and officials now under the jurisdiction of the Select Board as well as any other departments as may be assigned by general Bylaws of the Town or State statutes;

- (2) Fix the compensation of all Town officials and employees under the Town Administrator's jurisdiction within the limits established by the accepted appropriations and personnel policies and Town Bylaws;
- (3) Manage the Town's financial affairs to assure that sound accounting, financial, audit, record keeping and reporting practices are followed in accordance with Town Bylaws, state statutes and prudent municipal accounting, and shall supervise the financial management of the Town, which shall encompass and include the financial responsibilities and activities of the Treasurer, Town Collector, Assessors and Town Accountant;
- (4) Supervise and coordinate the work of reporting department heads and other individuals as may be assigned by Town Bylaws;
- (5) Have access to all Town and department confidential information including personnel records, negotiating positions, collective bargaining agreements and confidential investigations as required in the execution of official responsibilities;
- (6) Produce clear and accurate reports of the Town's finances, budgets, administration and operations as required by Town Bylaws and state statutes;
- (7) Appoint and remove department heads, officials of the Town, members of boards and commissions, and employees who report directly to the Town Administrator. Such appointments and removals shall be subject to Town Bylaws, personnel policy and state statutes;
- (8) The Town Administrator shall inform the Select Board, in writing, of all such appointments and such appointments shall be effective fifteen (15) calendar days after receipt of such written notification unless the Select Board vote by at least a two-thirds majority vote to disapprove specifically designated appointment or appointments;
- (9) The Town Administrator shall consult with the Select Board prior to removing any department heads, officials of the Town, members of boards and commissions, and employees who report directly to the Town Administrator;
- (10) Attend all regular and special meetings of the Select Board, including executive sessions of the Board unless excused by Select Board, at the Town Administrator's own request, and shall have a voice but not a vote in all board discussions. The Town Administrator shall attend all sessions of Town Meeting and answer all questions directed to the Town Administrator by voters of the Town which relate to the Town Administrator's office;
- (11) See that all of the provisions of the general Bylaws, votes of the Town Meetings, and votes of the Select Board which require enforcement by the Town Administrator, or by officials of the Town subject to the Town Administrator's direction and supervision, are faithfully carried out;
- (12) Be the Budget Officer for the Town. Prepare a balanced budget and submit it to the Select Board for approval and the Finance Committee prior to the Annual Town Meeting so as to enable them to make recommendations about the budget In the Town Meeting Booklet and at the Town Meeting;

- (13) Negotiate contracts, including union contracts, covering any subject within the Town Administrator's jurisdiction; provided, however, that such contracts shall be subject to the final approval and execution by the Select Board;
- (14) Serve as the Chief Procurement Officer of the Town;
- (15) Be responsible for implementing the personnel policy and working with the Personnel Board to develop systematic personnel policies and practices for implementation;
- (16) Assure that all Town departments and agencies have legal services as required;
- (17) Make available the audit management letter from any and all audit reports, including recommendations. The Town Administrator shall report to the Town all actions taken by responsible departments in response to the audit management letter recommendations. The Town Administrator will post the results of the audit management letter on the Town website, once they are accepted by the Select Board.

Section 7. COMPENSATION

The Town Administrator shall receive such compensation for services as the Select Board shall determine within the limits established by the accepted appropriations and personnel policies and Town Bylaws.

Section 8. DISCIPLINE AND DISCHARGE

The Select Board may, by a two-thirds majority vote of its membership, discipline or discharge the Town Administrator only for just cause, upon proper notice, and only after a hearing at which the Town Administrator shall have the right to be represented by counsel. The principle of progressive discipline will apply and the Select Board recognizes its obligation to provide said Town Administrator with periodic performance evaluations.

CHAPTER IV BUDGET

Section 1. BUDGET PROCESS

The Town Administrator shall initiate the budget process by providing revenue projections to the Select Board and the Finance Committee. These estimates will guide the budget setting process and shall be updated as new information becomes available

The Town Administrator shall furnish budget request forms and any appropriate guidelines to each elected official for the Boards, Committees or Departments under their jurisdiction and to any Board or Committee not under the jurisdiction of an elected official. Upon receipt of completed budget requests, the Accountant shall enter these requests into budget software; and the Town Administrator shall meet with any parties as necessary to understand their needs.

After updating the revenue estimates, the Town Administrator will prepare a balanced budget. If any budget request is modified, the Town Administrator shall meet with the affected elected Official, Board, Committee and/or Department Head to explain the rationale. The balanced budget shall then be forwarded to the Select board for inclusion on the warrant for the Annual Town Meeting and to the Finance Committee.

The Select Board and the Finance Committee shall review the proposed budget, and each shall make its own recommendations about a proposed budget for the Town. All Town Officials and financial records shall be made available for this purpose.

The Town Administrator shall prepare a Town Meeting Booklet which shall include the Warrant Articles for the Annual Town Meeting, the Town Administrator's proposed budget, the Finance Committee report, and the Capital Improvement Committee report. The Booklet shall also include any budget recommendations from the Select Board or the Finance Committee which differ from the Town Administrator's budget. The Booklet may also include any additional reports, summaries, charts, or graphs deemed appropriate by the Town Administrator.

Section 2. BUDGET SCHEDULE

The Town Administrator shall prepare and present a budget calendar to all the affected departments and committees. The overall schedule in the budget calendar shall allow for the finalization of the budget in time to include appropriation detail in the Town Meeting Warrant and the Town Meeting Booklet.

The budget calendar might be similar to the example below:

Budget Calendar

Date	Operating Budget	Capital Budget
July	Final Warrants for prior year budget.	
August	Final Warrants for prior year budget. Review revenue estimates based on final State budget.	
September	Final Encumbrances for prior year budget Personnel Board and Finance Committee set parameters for budget.	Capital Improvement Committee estimates funds available.
October	Enrollment and shared services meeting (to be attended by the School Superintendent and Town Administrator)	Issue capital request forms.
November		Capital requests due.
December	Department budgets due. (Must be on Town Administrator	Capital Improvement Committee meets,

	approved forms/ format)	Reviews and approves or (dis)approves requests. Capital Improvement Committee submits approved requests to Town Administrator.
January	<p>Superintendent Presentation of School Department Budget to School Committee.</p> <p>Town Administrator receives draft school budget presented to School Committee.</p> <p>Town Administrator reviews budget submissions and meets with department heads/elected officials as necessary.</p> <p>Select Board meets with departments under their jurisdiction to review budget submission.</p> <p>Revenue estimates reviewed based on Governor's budget.</p>	
February	<p>Public Budget Hearing (School)</p> <p>School Committee Budget Deliberations:</p> <ul style="list-style-type: none"> • School Committee will need to submit the bottom-line number by February 15. • Budget Deliberation online item allocation • Deliberation on the individual line items within the budget request will continue until completed and presented to Town Meeting. <p>School Committee Revised Budget to Town Administrator.</p> <p>Town Administrator develops balanced budget.</p> <p>Select Board reviews and votes on a budget proposal.</p> <p>Town Administrator meets and presents budget proposal to Finance Committee.</p>	
March	<p>Finance Committee reviews and asks for clarification of departmental budgets as necessary.</p> <p>Town Meeting warrant requests due.</p>	
April	<p>Town/School Meeting.</p> <p>Finance Committee finalizes its budget.</p> <p>Joint Meeting:</p> <ul style="list-style-type: none"> • Finance Committee • Select Board • School Committee <p>Town Administrator prepares Annual Town Meeting warrant.</p> <p>Select Board sign Annual Town Meeting warrant.</p> <p>Town Meeting Booklet for Town Meeting completed and sent to printer.</p>	
May	<p>April or May: Select Board sign Special Town Meeting Warrant for final current budget year appropriations.</p> <p>April or May: Special Town Meeting.</p> <p>Annual Town Meeting. (2nd & 4th Tuesday)</p> <p>Town Administrator reviews current year budget expenditure reports and reviews current actual revenues.</p> <p>Town Administrator discusses departmental spending with department heads, as necessary.</p>	
June	<p>Review revenue estimates based on Senate budget.</p> <p>July: Final Finance Committee Reserve Fund transfer requests due for disposition by Finance Committee.</p>	

Section 3. DEPARTMENTAL REVOLVING FUNDS

A. PURPOSE

This Bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

B. EXPENDITURE LIMITATIONS

A department or agency head, board, committee or official may incur liabilities against and spend monies from a revolving fund established and authorized by this Bylaw without appropriation subject to the following limitations:

- (1) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund
- (2) No liability shall be incurred in excess of the available balance of the fund.
- (3) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select board and finance committee.

C. INTEREST

Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

D. PROCEDURES AND REPORTS

Except as provided in General Laws Chapter 44, § 53E½ and this Bylaw, the laws, Bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

E. AUTHORIZED REVOLVING FUNDS

(1) Parks Oversight Revolving Fund.

- a. Fund Name. There shall be a separate fund called the parks Oversight Revolving Fund authorized for use by the Parks Oversight Ad-Hoc Committee.
- b. Revenues. The Town Accountant shall establish the Inspections Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Parks Oversight Ad-Hoc Committee for committee sponsored programs, park reservations, reservation security deposits and any public or private contributions related to the operation and maintenance of the Town parks.

- c. Purposes and Expenditures. During each fiscal year, the Parks Oversight Ad-Hoc Committee may incur liabilities against and spend monies from the Parks Oversight Revolving Fund for wages, expenses, supplies, contracted services and capital improvements required in connection with the operation and maintenance of the Town parks.
- d. Other Requirements/Reports. The Committee shall meet with the Town Administrator and Board of Selectmen annually. The Committee shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.
- e. Fiscal Years. The Parks Oversight Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

(2) Charter Day Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Charter Day Revolving Fund authorized for use by the Charter Day Ad-Hoc Committee.
- b. Revenues. The Town Accountant shall establish the Charter Day Revolving Fund as a separate account and credit to the fund all admission fees, parking fees, food concessions and ride commissions, and any public or private contributions received by the Charter Day Ad-Hoc Committee related to the annual Charter Day festivities.
- c. Purposes and Expenditures. During each fiscal year, the Charter Day Ad-Hoc Committee may incur liabilities against and spend monies from the Charter Day Revolving Fund for wages, expenses, supplies and contracted services in connection with the annual Charter Day festivities.
- d. Other Requirements/Reports. Within sixty days of the close of the event, the Charter Day Ad-Hoc Committee shall provide a report regarding the event to the Board of Selectmen. The Committee shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.
- e. Fiscal Years. The Charter Day Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

(3) Planning Board Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Planning Board Revolving Fund authorized for use by the Planning Board.
- b. Revenues. The Town Accountant shall establish the Planning Board Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Planning Board as listed in Appendix B of the Bylaws of the Town of Granby Chapter XXII Subdivision Bylaws.
- c. Purposes and Expenditures. During each fiscal year, the Planning Board may incur liabilities against and spend monies from the Planning Board Revolving Fund for

wages, expenses, supplies and contracted services in connection with the operation of the Planning Board.

- d. Other Requirements/Reports. The Planning Board shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.
 - e. Fiscal Years. The Planning Board Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.
- (4) After School Activities Program Revolving Fund.
- a. Fund Name. There shall be a separate fund called the After-School Activities Program Revolving Fund authorized for use by the Superintendent of Schools.
 - b. Revenues. The Town Accountant shall establish the After-School Activities Program Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the School Department in connection with any after school activities.
 - c. Purposes and Expenditures. During each fiscal year, the Superintendent of Schools may incur liabilities against and spend monies from the After-School Activities Program Revolving Fund for wages, expenses, supplies and contracted services in connection with the operation of the After School Activities Program.
 - d. Other Requirements/Reports. The Superintendent of Schools shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.
 - e. Fiscal Years. The After-School Activities Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

(5) Dog Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Dog Revolving Fund authorized for use by the Police Chief.
- b. Revenues. The Town Accountant shall establish the Dog Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Town Clerk, Animal Control Officer or Police Chief for licenses, fines and any other charges in connection with the Canine Control Bylaw and dog pound.
- c. Purposes and Expenditures. During each fiscal year, the Police Chief may incur liabilities against and spend monies from the Dog Revolving Fund for wages, expenses, supplies and contracted services in connection with the operation of the dog pound and requirements of the Animal Control Bylaw.
- d. Other Requirements/Reports. The Police Chief shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.

- e. Fiscal Years. The Dog Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

(6) Library Revolving Fund.

- a. Fund Name. There shall be a separate fund called the Library Revolving Fund authorized for use by the Library Department.
- b. Revenues. The Town Accountant shall establish the Library Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Library Department for building use and fines in connection with rental of library space.
- c. Purposes and Expenditures. During each fiscal year, the Library Department may incur liabilities against and spend monies from the Inspections Revolving Fund for wages, expenses, supplies and contracted services in connection with the operation of the library.
- d. Other Requirements/Reports. The Library shall submit an annual report for inclusion in the Annual Town Report that provides both financial and event activity for the preceding calendar year.
- e. Fiscal Years. The Inspections Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

CHAPTER V FINANCE COMMITTEE

Section 1. MEMBERSHIP AND APPOINTMENT

There shall be a Finance Committee consisting of five (5) registered voters of the Town, who shall be nominated to this office by the Moderator and confirmed in this office by a majority of the Select Board. They shall be appointed for three (3) year terms and shall serve without pay. No appointed or elected Town Official or Town employee nor any household member of an appointed or elected Town Official or Town employee shall be qualified to serve on the Finance Committee. The Committee shall elect from its membership a Chairman and Secretary. Vacancies on the Committee may be filled at any time by the same procedure as followed in original appointments.

Section 2. DUTIES OF THE FINANCE COMMITTEE

The Finance Committee shall meet with the Town Administrator at least two (2) months prior to the Annual Town Meeting to discuss income projections and budgetary requirements for all Town Departments, Officials, Boards and Committees. The Town Administrator will provide the Finance Committee with itemized estimates of the amounts necessary for the administration of all of the Departments, Officials, Boards and Committees during the ensuing fiscal year.

After the Finance Committee has received a balanced budget proposal from the Town Administrator, the Committee should review the revenue estimates and the proposed budgets, while considering the Town finances objectively and without external pressure. All Town officials and financial records are to be made available to the Committee. The Committee should then develop its recommendation for a Town budget.

The Finance Committee shall prepare, administer, and amend from time to time, as necessary, a financial model for the long-term financial stability of the Town. This plan should include target levels for stabilization funds, free cash level and generation, and such other indicators or accounts as the Committee deems appropriate. The plan shall be approved by a vote of a Town Meeting and amended in the same manner.

The Finance Committee shall prepare an annual report to be distributed as part of the Town Meeting Booklet in which it discusses the budget as requested and the budget's compliance with the goals of the financial model.

The Town Meeting Warrant or a Special Town Meeting Warrant may include articles that require or purport to require appropriations. Such articles shall be referred to the Finance Committee for consideration as soon as the articles are identified as possibly needing an appropriation, but not less than 10 working days prior to the date of a Special Town Meeting or 25 working days prior to the date of the Annual Town Meeting. The Finance Committee shall report its recommendations, if any, thereon, to the Select Board as soon as practical.

On all articles that require or purport to require appropriations, the Committee shall report its recommendations thereon, and its reasons for such recommendations, to the Town Meeting or Special Town Meeting. The Committee shall present the Town Administrator's budget to the Annual Town Meeting.

From time to time, it shall be the duty of the Finance Committee to meet with the Town Accountant and inquire into the expenditures and commitments of each Town Department, and to report to the Select Board, which, if any, Departments' expenditures and commitments are likely to exceed their appropriations. The Finance Committee shall have access to all financial records of each Town

Department, Officer, Board or Committee.

From time to time, it shall be the duty of the Finance Committee to consider any properly executed request from a Department Head, Elected Official, or Committee for a transfer of funds from the Reserve Fund to the budget of that Department Head, Elected Official, or Committee. The disposition of the request by the Committee will be in accordance with Massachusetts General Laws.

CHAPTER VI TOWN CLERK

Section 1. TOWN FILES AND REPORTS

The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports.

Section 2. ELECTION AND APPOINTMENT NOTIFICATIONS

The Town Clerk shall immediately after every Town Meeting notify, or cause to be notified, any person elected, chosen, or appointed to any Town office, or to serve on any board or committee of the Town of her/his election, choice or appointment.

Section 3. MAINTENANCE OF ORIGINAL DOCUMENTS

The Town Clerk shall not allow original papers or documents of the Town to be taken from the Town Clerk's office, except as they remain in her/his custody by authority of law.

Section 4. DUTIES

The Town Clerk shall perform her/his duties in accordance with Massachusetts General Law.

Section 5. RESPONSIBILITIES

The Town Clerk is responsible for:

- (1) Chief Election Officer- Election/Census/Voter Registration.
- (2) Town Meeting-The Town Clerk takes the minutes at Town meetings those minutes must be recorded on what articles are passed or what articles failed and how they were voted. after each Town Meeting it is the Town Clerk's responsibility to submit several forms to the Commonwealth or the Attorney General's Office pertaining to votes taken on money and Bylaws. The Town Clerk is responsible for recording the appropriations on monies voted at Town Meeting
- (3) The Town Clerk certifies any State Aid forms.
- (4) Permanent Record Book-The Town Clerk must type up all warrants, elections results, and Town Meeting results for permanent Town Records.
- (5) Recording Officer- The Town Clerk must record all records of Vitals, Birth, Death, Marriages, and Cemetery Deeds and Recording of MGL Acceptances.
- (6) Public Records Officer - Acts as the Records Access Officer unless another is appointed in that position
- (7) Licensing Officer- The Town Clerk is responsible for licensing of businesses, dogs, flammable, raffles, pole locations, and professional registrations
- (8) Recording all Planning Board records and decisions and the decision of the Board of Appeals

CHAPTER VII. TOWN TREASURER

Section 1. DUTIES

The Treasurer shall perform his/her duties in accordance with Massachusetts General Law. The Treasurer may be appointed by the Board of Selectmen as Tax Title Custodian for the disposition of Foreclosed Properties.

Section 2. RESPONSIBILITIES

The Treasurer is responsible for:

- (1) The custody, management and investment of all Town and Trust Funds;
- (2) The final receipt of all Town funds and shall not pay any claim or bill from the treasury except upon receipt of a warrant approved by the Select Board;
- (3) Maintaining a cash book and reconciling cash with the Accountant;
- (4) Making summary reports for Cash, Revenues and Expenditures and Debt Schedules for the annual report;
- (5) Selecting a Financial Advisor, Bond Counsel and Tax Title Attorney;
- (6) Issuing debt, with the approval of the Select Board;
- (7) Developing and implementing the following policies among others:
 1. Investment Policy,
 2. Debt Policy,
 3. Cash Management Policy
 4. Reserve Policy;
- (8) The custody of and maintaining Tax Titles and Foreclosed properties.
- (9) Shall make summary reports of receipts and expenditures and debt schedules in his/her charge together with a statement of the Town debt, which shall be printed in the Annual Town Report.

CHAPTER VIII. TOWN COLLECTOR

Section 1. COLLECTION OF ACCOUNTS

The Town Collector shall collect all accounts due the Town, excepting interest on investments of trust funds.

Section 2. AUTHORITY TO DELEGATE COLLECTIONS

The Town Collector will have the authority to delegate the collecting of funds to respective departments and boards.

Section 3. SUITS FOR COLLECTIONS

If it shall seem advisable to the Town Collector that suit, or suits, should be instituted and prosecuted in the name of the Town, in connection with the collection of an account or accounts due the Town, the Town Collector shall so advise the Select Board, who shall have the authority as agents of the Town to institute and prosecute the same.

Section 4. ACCOUNTS FROM BOARDS AND COMMITTEES NEEDING COLLECTIONS

Accounts due the Town when this section takes effect, and all accounts coming due thereafter shall forthwith be committed by the several boards and officials of the Town to the Town Collector for collection hereunder.

Section 5. BILLS AND INTEREST

Pursuant to Massachusetts General Law Chapter 40 Section 21E, all municipal charges and bills are due thirty (30) days from the billing date. Any charge or bill outstanding after the due date shall be assessed interest and penalty on the delinquent amount from the billing date until such charge is paid in full in an amount equal to the interest and penalty permitted to be charged per Massachusetts General Law, Chapter 59, Section 57.

Section 6. USE CHARGES

The owner of the property against which the Use Charge is levied shall be liable for payment. A Use Charge not paid on or before its established due date becomes a lien upon the applicable real estate on the day immediately following the due date of such charge, pursuant to Massachusetts General Laws Chapter 83, Section 16 through 16F inclusive. The failure of an owner to receive a bill does not relieve said owner from the obligation at any time. Any notice of change of address as received by the Board of Assessors shall in turn be furnished to the Town Collector's Office.

CHAPTER IX. TOWN OFFICIALS AND TOWN BUSINESS

Section 1. CONTRACTS

No board or officer, elected or appointed, shall make any contract, excluding personnel contracts, on behalf of the Town, in excess of one (1) year without Town Meeting approval, unless authority to do so is given by the Laws of the Commonwealth. A copy of all signed contracts shall be maintained with the Town Accountant.

Section 2. CONFLICT OF INTEREST IN CONTRACTS

Officials, both elected and appointed, and members of boards and committees of the Town shall not award any contract on behalf of the Town to any contracting agent with whom they, as a group or as individuals, have direct or indirect financial interests. All written contracts (except those made by the School Committee) shall be presented for review at regular meetings of the Select Board before they are signed.

Section 3. DEPARTMENT SUMMARY FOR ANNUAL REPORTS

Officials in charge of a Department shall annually, on or before the first day of March, transmit to the Select Board in writing a report containing a statement of the acts and doings of his department for the past financial year, to be printed in the Annual Town Report

Section 4. CAPITAL IMPROVEMENT PLANNING COMMITTEE

A. APPOINTMENT AND MEMBERSHIP

The Town Administrator with the approval of the Select Board shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of four members, plus one appointed by the Select Board to serve as Chairman. The Town Accountant and/or other administrative officer shall be an ex-officio Committee staff member without the right to vote. The Committee shall choose its own officers, other than the Chairman. Each member shall serve for a one-year term, except for the Chairman who shall serve for a three-year term.

B. RESPONSIBILITIES

- (1) The Committee shall study proposed capital projects, including the periodic servicing, repair or reconditioning of existing tangible assets, and equipment purchases provided that the equipment or projects are purchased or undertaken at intervals greater than five years and have a useful life of at least five years and that the equipment or cost per project per location is equal to or greater than \$25,000. All officers, boards, and committees, including the Select Board and the School Committee, shall, by January 1st of each year, give to the Committee, on forms provided by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the Town. Any proposed expenditure that will be handled as a warrant article will be provided to the Finance Committee and handled in the same manner as other warrant articles needing appropriation. No appropriation shall be voted at an Annual Town Meeting for a capital project or equipment purchase unless the proposed capital project or equipment purchase is considered in the Committee's report or unless the Committee has failed to produce a report and this failure is

explained on the Town Meeting floor by a member of the Committee or the Select Board. An appropriation may be voted by Annual Town Meeting for an emergency capital project or equipment purchase that is not in the Committee's report or at a Special Town Meeting for an emergency capital project or equipment purchase that is not in the Committee's report approved at the most recent annual Town Meeting. When such an emergency is declared, the Committee shall be provided the opportunity to present a report on the proposed emergency capital or equipment purchase at the Town Meeting.

- (2) The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Select Board for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the Town.
- (3) Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural, or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.
- (4) The Committee's report and the Select Board's recommended Capital Budget shall be made available in a manner consistent with the distribution of the Finance Committee Report. The Committee shall file its original report with the Town Clerk.

C. FAILURE TO MAKE REPORT

If the Committee fails to make a report on capital improvements at the Annual Meeting, the Annual Meeting may consider capital improvement appropriations in the absence of the report provided that a member of the Committee or the Select Board explain the reasons for the lack of report.

Section 5. DENIAL, REVOCATION OR SUSPENSION OF LICENSES AND PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES

- (1) The Town Collector or other municipal Official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Town Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement for such taxes 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 transfers of any party whose name appears on said list furnished to the licensing authority from the Town Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Town Collector; provided, however, that written notice is given to the party and the Town 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 Town Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Town Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (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.
- (4) The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 in the business or activity conducted in or on said property.

Section 6. RECEIPTS PAID TO TREASURY

Pursuant to Massachusetts General Law Chapter 40 Section 21 Clause 13, every official shall pay into the treasury of the Town all amounts received by them by virtue of their office on behalf of the Town and all fees received by them in accordance with the provisions of any general or special law and shall make a full and true return thereof to the Town Accountant.

CHAPTER X. COMMITTEES APPOINTED BY THE SELECTBOARD

Section 1. ELECTION OF OFFICERS

Committees shall elect their own Officers and notify the Select Board of their choices, except where provided elsewhere in these Bylaws.

Section 2. COMPENSATION

Committee members shall serve without compensation.

Section 3. PETITION TO REMOVE A MEMBER

If a Committee Member is absent from one-third (1/3) of duly called meetings in any twelve (12) month period, the Committee by a two-thirds (2/3) vote of the other members may petition the appointing authority (Select Board) to have the member removed from the committee. The Select Board will review the petition and offer the opportunity to hear arguments from the committee and the member mentioned in the petition before making a determination on the member's appointment to the committee.

Section 4. FILLING A VACANCY

In the event of a vacancy in its membership, a Committee shall notify the appointing authority in writing, and said authority shall fill such vacancy.

Section 5. TERMINATION OF APPOINTMENTS AFTER ELECTION OR APPOINTMENT TO TOWN OFFICE

Membership and appointments to all Committees shall terminate when a committee member is subsequently elected or appointed to Town office. Nothing in this section shall preclude the appointment or reappointment of elected or appointed officials to Committees.

Section 6. FINANCIAL REPORTS

Appointed Committees charged with the expenditure of Town money shall prepare detailed estimates, including statements of probable income and expense, of the amounts deemed by them necessary for the administration of their respective offices or Departments for the ensuing year. Such estimates and statements shall be filed with the Town Administrator not later than the 1st day of January preceding the next Annual Town Meeting. Said financial reports will be included in the Annual Town Report.

Section 7. VOTE TO ACCEPT COMMITTEE REPORTS AND DISCHARGE

A vote to accept a report of a Committee (except a report of progress) shall, unless otherwise provided, discharge the Committee, but it shall not operate as an adoption of the recommendations of such Committee without an express vote duly passed to that effect.

Section 8. ALTERNATE MEMBER VOTING RIGHTS

If the need for an alternate member of a Committee to vote is realized, alternate member's voting rights on a Committee or board shall be decided by seniority in the said group which will be determined by appointment date of continuous service.

CHAPTER XI REGULATIONS OF TRAFFIC AND MOTOR VEHICLES

Section 1. PARKING

Parking of motor vehicles is prohibited at all times of day and night on the southwesterly side of Lyn Drive from Route 116 southerly to the end of said Drive and on the westerly side of Lakeview Drive going northerly from Lyn Drive to the end of said Drive.

The parking of any vehicle other than a zero-emission vehicle in parking spaces designed for zero emission vehicle charging is prohibited. Zero emission vehicles are defined as a battery electric vehicle, a plug-in hybrid electric vehicle or a fuel cell vehicle.

The Select Board, or its designee, may temporarily prohibit parking on any street or highway or part thereof in an impending or existing emergency, including adverse weather conditions or to facilitate snow removal or clearing of streets. Owners of vehicles parked in violation of this Bylaw are subject to a fine as listed in APPENDIX 1, and said vehicles may be moved at the owner's expense or under the direction of a police officer. The Select Board or its designee shall make reasonable efforts to give public notice of any such parking ban by way of radio or television broadcasts; provided, however, lack of such public notice shall not be a defense to a violation of this Bylaw.

This Bylaw is enforced by the Police Department pursuant to M.G.L. c. 40, 21D.

Section 2. UNREGISTERED MOTOR VEHICLES

A. UNREGISTERED VEHICLES

The keeping of more than one unregistered vehicle, assembled or disassembled, except by a person licensed under General Law, Chapter 140, Section 59, on any premises shall not be permitted unless said motor vehicle is stored in an enclosed building or otherwise out of sight of all abutters and public ways.

B. PENALTIES

Whoever violates any provisions of the Bylaw shall be liable to a penalty as listed in APPENDIX 1 per day for each day of violations, commencing ten days following date of receipt of written notices from the Select Board, or their designee.

C. FARMING EXEMPTION

This Bylaw shall not apply to motor vehicles, which are designed and used for farming purposes.

Section 3. FIRE LANES

Fire Lanes - The Fire Chief, with the approval of the Select Board, may designate fire lanes within the limit of any private way, parking area, or driveway for the access of fire apparatus, ambulances or other emergency vehicles to multiple family dwellings, stores, schools and places of public assembly.

Section 4. BOATING REGULATIONS

A. USE OF INTERNAL COMBUSTION ENGINES

The use of an internal combustion engine to power a boat of any type shall be prohibited on Forge Pond, Aldrich Lake, Dufresne Pond and all parts of the Batchelor Brook and Stoney Brook within the jurisdiction of the Town, except for use by Police and municipal agencies.

B. PENALTY

Anyone violating subsection A. of this Bylaw shall be subject to a fine as listed in APPENDIX 1 for each violation.

Section 5. TRAFFIC CONTROL NEEDS

A. TRAFFIC CONTROL WORK

Any time a contractor, other than the Town, performs work on or near a Public Way, except for State Highways, and, by performing such work, creates a potential hazard to public safety or to the flow of traffic, the contractor shall hire sufficient police personnel to provide traffic control.

The final determination of whether or not said work creates a potential traffic hazard shall lie with the Chief of Police. The Chief of Police, or his designee, may order any work to be stopped and any roadway cleared until such time as adequate police personnel are hired.

B. PENALTY

Violation of the provisions of this Section shall be punishable by a fine as listed in APPENDIX 1. The enforcement of this Section shall be pursuant to Massachusetts General Law Chapter 40, Section 21D by the Police Department.

Section 6. HANDICAPPED PARKING

A. HANDICAPPED PARKING VIOLATIONS

It shall be unlawful for any person to leave any vehicle within parking spaces on public or private property which are required, under any provision of federal, state or local laws or regulations, to be designated and are clearly marked as reserved for vehicles owned and operated by disabled veterans or handicapped persons, except a vehicle transporting a handicapped person and displaying the special identification plate issued by any state or any Canadian province, or to leave a vehicle in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.

B. PENALTY

The penalty for violations of this Bylaw shall be a fine as listed in APPENDIX 1.

C. REMOVAL OF VEHICLES IN VIOLATION (public ways/ public property)

Any vehicle which is in violation of this Bylaw while parked on a public way or on public property which needs to be removed, shall be removed in accordance the procedures outlined in section 22D of Chapter 40 of the Massachusetts General Laws.

D. REMOVAL OF VEHICLES IN VIOLATION (private ways/private property)

Nothing herein shall be construed as prohibiting the removal, in accordance with the provisions of Section 120D of Chapter 266 of the General Laws of the Commonwealth of Massachusetts, of any vehicle which is in violation of this Bylaw while parked on private ways or private property in certain circumstances.

E. ENFORCEMENT

This Bylaw is enforced by the Police Department. This Bylaw may be enforced through the non-criminal disposition method provided in Section 21D of Chapter 40 of the General Laws of the Commonwealth of Massachusetts. For purposes of non-criminal disposition, the enforcing persons shall be those officials set forth in this paragraph of the Bylaw and the specific penalty shall be as provided in paragraph 6b. of this Bylaw.

Section 7. DRONE REGULATION

A. PURPOSE

The Town of Granby recognizes that unmanned aircraft systems, commonly referred to as drones, are increasingly being flown by citizens for a variety of both recreational and business purposes. Furthermore, United States airspace in one of the busiest in the world. Westover Air Reserve Base also conducts flights critical for the protection of all United States citizens. Consequently, the Town of Granby adopts this Bylaw to protect the privacy and property interests of the residents of Granby as well as to comply with all federal and state laws including the safe operation of Westover Air Reserve Base. In the event this section of the Bylaws conflicts with either State or Federal Regulations, the State or Federal Regulations will supersede this section of the Bylaws.

B. DEFINITIONS

- (1) Aircraft- any object designed or used to navigate or fly in the air.
- (2) Drone- any un-manned aircraft, amateur rocket, model aircraft (Section 336 of Public Law 112-95), rotorcraft (702 CMR Section 2.01), or similar device or aircraft. A traditional model airplane will not be considered a drone.
- (3) Visual Line of Sight- an operator having constant and personal visual contact with the aircraft and/or drone at all times. This visual contact shall be natural and personal to the operator and shall not allow the operator to use visual enhancements, screens or other devices to maintain constant visual contact with the aircraft and/or drone.

C. SCOPE

This Bylaw shall apply to all drones and aircraft, as defined herein, to the extent allowed pursuant to state and federal law. The Bylaw shall be limited to those drones and aircraft that weigh less than fifty-five pounds and which are flown by a private citizen below four hundred (400) feet.

D. REGULATIONS

- (1) All aircraft and drones shall comply with all regulations as established by the Federal Aviation Administration.
- (2) A drone and/or aircraft shall only take off and land on private property owned by the operator or where written permission has been granted by the land owner. Said written permission shall include the name and signature of the land owner, the address of the property and the permissible dates and hours of operation and shall be in the possession of the drone/aircraft operator during the operation of the drone or aircraft.
- (3) All operators who use an aircraft and/or drone for non-business or non-commercial purposes shall also comply with the following regulations:
 - a. Register with the Federal Aviation Administration and maintain proper documentation of the same;
 - b. As required by Federal law, fly below four hundred (400) feet at all times;
 - c. Maintain at all times a visual line of sight of the aircraft and/or drone as defined above;
 - d. No operator shall operate an aircraft and/or drone over a crowd or person(s) not directly participating in its operation;
 - e. No operator shall operate an aircraft and/or drone before sunrise or after sunset;
 - f. No aircraft or drone shall be weaponized;
 - g. No aircraft or drone shall photograph or videotape any person without the prior written permission of that person. All operators shall maintain this written permission while operating the aircraft or drone and for a period of seven (7) years thereafter;
 - h. No aircraft or drone shall operate over private property without the prior written permission from the landowner. The written permission shall be in the possession of the operator during the operation;
 - i. No aircraft or drone shall operate from or over any property owned or controlled by the Town of Granby unless prior written authorization is secured by the operator;
 - j. No aircraft or drone shall be flown within five (5) miles of a civilian or military airport without first contacting the control tower before flying;
 - k. No operator shall operate an aircraft or drone in close proximity or near another aircraft.

E. EXCEPTION

Drone use by public service agencies such as police, fire, ems and public works departments will be an exception to this Bylaw when the usage is related to a legal purpose aligned with their service.

F. VIOLATIONS AND PENALTIES

Any person who violates any provision of this Bylaw will be subject to the fine schedule listed in APPENDIX 1.

The Town of Granby Police Department or their designee shall enforce this Bylaw by means of MGL Ch. 40. Sec. 21D.

CHAPTER XII TAG SALE AND FLEA MARKET REGULATIONS

Section 1. TAG SALE REGULATIONS

A. TAG SALE DEFINITION

For the purpose of this Bylaw a "Tag Sale" shall be defined as the sale of new and/or used items offered for sale, barter or trade, to the general public, and further that said sale is conducted in public, and further that said sale is conducted in whole or in part within a private residence or under the auspices of a non-profit group.

B. TAGS SALE RULES AND RESTRICTIONS

- (1) No household shall conduct a Tag Sale in the Town of Granby without receiving a permit from the Select board.
- (2) All tag sale permits shall not exceed a 48-hour period. The hours of operation are limited from 8:00A.M. to 5:00 P.M.
- (3) All permits must be posted in plain view from the street.
- (4) No notices, advertising signs or directional signs shall be attached to utility poles or trees. Three (3) temporary "tag sale" signs may be permitted under the Town's sign Bylaw Chapter XXI, Section V, 5.5, without deposit.
- (5) A household or non-profit facility may conduct or participate in no more than four (4) tag sales per calendar year. Only one (1) tag sale per residence or address is allowed in any 30 day period.
- (6) Tag sales may only be held from a private residence or non-profit facility.
- (7) Any person who violates any provision of this Bylaw shall be subject to a fine as listed in APPENDIX 1 for each violation. Each day any violation of this Bylaw shall continue shall constitute a separate violation. In addition to other available remedies, enforcement may be in accordance with General Laws, Chapter 40, Section 21D, by police officers.

Section 2. FLEA MARKET REGULATIONS

A. FLEA MARKET DEFINITION

For the purpose of this Bylaw, a "Flea Market" is defined as a temporary or intermittent commercial market held in the open air, in temporary enclosures such as tents, or in other non-commercial structures such as barns, sheds, etc. where independent vendors are provided space to sell, trade, or barter new and/or used items to the general public. A flea market may not be conducted at a private residence

B. FLEA MARKET RULES AND RESTRICTIONS

- (1) No individual or organization shall hold a "Flea Market" in the Town of Granby without receiving a permit for a "Flea Market" from the Select board.

- (2) A \$200.00 fee will be charged for a Flea Market permit. The permit fee may be waived by the Select Board for non-profit organizations.
- (3) All Flea Market permits shall not exceed specified two-day period during which the Flea Market may be open to the public between the hours of 9:00 A.M. and 5:00 P.M. Vendors may not set up prior to 7AM.
- (4) An individual or organization may receive no more than four (4) flea market permits in any calendar year. An individual or organization may hold no more than four (4) flea markets per calendar year. Only one (1) flea market per address is allowed in any 30 day period.
- (5) No sign or advertising device for a Flea Market shall be placed within any street right-of-way, nor shall any sign or advertising device be affixed to a street sign, traffic regulatory or warning sign, utility pole within a public right-of-way or public tree.
- (6) No items for sale at a Flea Market shall be displayed on any public or private way.
- (7) The Select Board may attach other conditions or restrictions to a Flea Market permit, as they deem necessary or advisable for the health and safety of the public.
- (8) Any individual or organization who violates any provisions of this Bylaw shall be subject to a fine as listed in APPENDIX 1 for each violation. Each day of violation of this Bylaw shall constitute a separate violation. In addition to any other available legal remedies, this Bylaw may be enforced pursuant to General Laws, Chapter 40, Section 21D, by police officers.

CHAPTER XIII. BYLAWS

Section 1. BYLAW REVIEW COMMITTEE

The Select Board shall appoint a Committee of five (5) persons to review these Bylaws and to recommend changes five (5) years after they are adopted by the Town and every five (5) years thereafter. Records of each Bylaw Review Committee shall be kept in the Select board's office so that successor committees may have access to them. Each committee shall present its recommendations to the first Annual Town Meeting after its appointment.

The Bylaw Review Committee will be a standing committee used to vet and explore suggested changes to the Bylaws that may be required or requested on an as needed basis.

Section 2. PROCEDURE TO AMEND

These Bylaws may be amended by the following procedure:

First, a legal notice describing the proposed amendment shall be inserted in a newspaper of general circulation in Granby no later than 14 days and again no later than 7 days before the hearing;

Second, the Select Board shall hold a public hearing on the proposed amendment at least two (2) weeks before the annual or special Town Meeting at which the proposed amendment will be presented;

Third, majority at a Town Meeting must vote in favor of the proposed amendment;

Fourth, the Bylaws and amendments must be approved by the Attorney General's Office.

CHAPTER XIV. PENALTY

Section 1. CRIMINAL COMPLAINT

Whoever violates any provisions of the Bylaws may be penalized by indictment or on complaint brought in the district court. Unless otherwise specifically provided in these Bylaws, or otherwise provided by law, and as the district court shall see fit to impose, the maximum penalty for each violation, brought in such manner, shall be a fine of not more than two hundred dollars (\$200).

Section 2. NONCRIMINAL DISPOSITION

Whoever violates any provisions of the Bylaws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in Chapter 40, Section 21D of the Mass. General Laws. The noncriminal disposition may also be used for any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following Bylaws and sections of Bylaws are to be included within the scope of this subsection, that specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. Each day on which any violation exists shall be deemed to be a separate offense.

General Bylaws	Penalty
Chapter XI	
Section 1. Parking violations	\$50
Section 2. Unregistered motor vehicles	\$5.00
Section 4. Boating regulations	\$50.00
Section 5. Traffic control needs	\$200
Section 7. Drone regulations	1 st off written warning 2 nd offense \$100 3 rd offense \$250 4 th or subsequent offense \$300
Chapter XII	
Section 2. Tag sale/ flea market regulations	\$200
Chapter XVII	
Section 6. Animal control violation	1 st offense \$25 2 nd offense \$50 3 rd or subsequent offense \$100
Chapter XIX	
Section 2. House numbering	\$25
Chapter XX	
Section 1. Alcohol Possession, etc.	\$200
Section 2. Marijuana Public Use	\$200
Section 3. Recycling	
Section 4. Anti-Litter	1 st offense \$ 150

	Subsequent offenses	\$200
Section 5. Trespassing on Town property		\$50
Section 6. Plowing snow across a public way		\$25
Section 7. Nuisance violations	1 st offense	25
	2 nd offense	\$50
	3 rd offense	\$100
	4 th and Subsequent offenses	\$200

CHAPTER XV. BOARD OF APPEALS

Section 1. MEMBERSHIP

There is hereby established a Board of Appeals to consist of five (5) members and two (2) associate members to be appointed by the Select Board, the said Board to have and exercise all the powers, duties and jurisdiction as provided by Chapter 40A of the General Laws and the Town Zoning Bylaws.

CHAPTER XVI. GAS INSPECTOR BYLAW

Section 1. GAS INSPECTOR APPOINTMENT

The Select Board shall appoint annually following the Annual Town Meeting, a Gas Inspector. Said Gas Inspector shall enforce the rules and regulations adopted by the Board established under Chapter 25, Section 12H, of the Massachusetts General Laws.

CHAPTER XVII. ANIMAL CONTROL BYLAW

PREAMBLE The acceptance of this Bylaw under the provisions of Massachusetts General Laws Chapter 140 §§ 136A through 174E shall signify acceptance of the provision of said statute.

Section 1. PURPOSE

The purpose of this Bylaw is to achieve the objectives of the animal control enabling legislation contained in Chapter 140 §§ 136A through 174E of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Granby, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this Bylaw.

The Town requires that all dog owners keep their dogs under control while at large, for the purpose of protecting people and animals from injury, protecting property from damage, and preventing dog-related nuisances.

This Bylaw is adopted for the above purposes under the authority provided by, and in accordance with the provisions of Chapter 140 §§ 136A through 174E of the General Law, as amended.

Section 2. DEFINITIONS

- (1) **Animal Control Officer** ("ACO") - any person or persons designated by the Select board to enforce this Bylaw
- (2) **Dog**- any animal of domestic canine species
- (3) **Dangerous Dog**- any dog so designated by the Board of Selectmen or the appropriate governing body of another municipality
- (4) **Domestic Animal** - any dog, cat, or ferret
- (5) **Kennel** - a group or collection of five (5) or more dogs, six (6) months of age or older, which are kept on a single premises
 - a. **Personal Kennel** - a group or collection of five (5) or more dogs kept on single premises for private personal use
 - b. **Commercial Breeder Kennel** - an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration
 - c. **Veterinary Kennel** - a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care
 - d. **Domestic Charitable Corporation Kennel** - a facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agriculture or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent

with such purposes while providing veterinary treatment and care
e. Commercial Boarding or Training Kennel - an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal

(6) **Owner or Keeper** - any person(s), firm, farm, corporation, or organization, owning, keeping, harboring, or having interest in or care, custody, or control of one (1) or more dogs or domestic animals.

(7) **Public Nuisance**-Any dog may be considered a public nuisance if:

a. All dogs are to be leashed. An unleashed dog may considered a public nuisance if it does not fall within a mentioned exception.

1. Exceptions to leash requirements-The following situations will qualify as exceptions to the leash requirement:

i. An unleashed dog that is in a fenced in public dog park;

ii. An unleashed and controlled dog on the private property of the dog's owner/keeper;

iii. An unleashed and controlled dog on the private property of another person who has given permission for the dog to be on the property unleashed;

iv. An unleashed dog that is being used as a so-called hunting/sporting, working, service dogs or in a competition/showing trial and is being supervised as such by a person competent to prevent the dog from being a threat to public safety; provided, however, that this section shall apply only while such dog is being used for the above mentioned events, trials, work, service or training for such purposes.

b. Any dog may be deemed a public nuisance if:

1. A dog that defecates on public or the private property of another and the owner/keeper of the dog does not immediately clean up and remove such waste;

2. A dog that is allowed to bark excessively or make any other such noise in a fashion as to deny the neighbors peaceful and quiet enjoyment of their property to include noise that exceeds five (5) minutes during the quiet time of 9 PM to 7 AM or constant noise more than a half (1/2) hour during any span of time, as to disturb the neighbor. Proof of such disturbance is the complete onus of the complainant;

3. A dog that chases a pedestrian, bicyclist or vehicle;

4. A dog that threatens livestock

c. Any personally owned animal that defecates on public or the private property of another and the owner/keeper of the animal does not immediately clean up and remove such waste.

- (8) **Unprovoked** - Means that the domestic animal was not hit, kicked or struck by the person with any object or part of the person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person to cause pain or discomfort to the animal, nor was the animal verbally or physically taunted, in any way, whether there be physical contact or not.

Section 3 – REGISTRATION AND LICENSING

A. DOG LICENSING

The owner/keeper of one (1) to four (4) dogs more than six (6) months old shall annually complete an application for a dog license for each dog and file the same with the Town Clerk between March 1st and April 30th of any given year. Upon presenting said application and a valid certificate of rabies vaccination (along with proof of neutering and spaying, if applicable) for the dog and the appropriate fee, the Clerk shall issue said license and tag. The applicant shall keep the tag securely affixed to the dog with a collar or harness at all times unless the dog is on the owner's property, or is on the property of another and involved in a dog show or other sporting activity, and is under the owner's control. A newly acquired dog that is 6 months old must be registered/licensed within thirty (30) days.

- (1) No fee will be charged for a seeing eye dog or a hearing dog.
- (2) A late fee of \$25 dollars may be charged in addition to the application fee, for any dog not licensed in accordance with this Bylaw.

B. INITIAL KENNEL LICENSES

All initial kennel licenses, other than those for a Personal Kennel, are subject to approval by the Zoning Board of Appeals per the Zoning Bylaws of the Town of Granby.

C. KENNEL INSPECTIONS

All kennel licenses, both initial and annual renewals, may not be issued by the Town Clerk until the kennel has passed an inspection by the Animal Control Officer. The ACO shall determine if said premises are safe, secure, and if the animals will be kept in a sanitary area that is adequate to house the number of dogs. Upon a positive finding the ACO shall notify the Town Clerk to issue a license.

- (1) Personal Kennel - an application form for a kennel license for five (5) to ten (10) dogs, six months of age or older, shall be submitted annually to the Town Clerk. A valid certificate of rabies vaccination with proof of neutering and spaying, if applicable, for each dog must be on file in the Town Clerk office. The inspection fee and license fee for each dog must accompany the application. A second kennel license is required for more than ten (10) dogs. Inspections for a Personal Kennel (with under 10 dogs) can be done outside the home in situations where the dogs live inside the primary residence. In these instances the dogs themselves will be inspected out of the residence, at the owner's request, unless there is a specific concern for their health or wellbeing.
- (2) Commercial Breeder Kennel - a renewal application for the number of dogs approved in the initial application must be submitted annually to the Town Clerk along with the required fee. A license will be issued following an inspection with positive results by the ACO. Current rabies certificates for each dog are required to be on file in the Clerk's office for any dog over 6 months of age. The inspection fee and license fee for each dog must accompany the application.
- (3) Veterinary Kennel - a renewal application must be submitted annually to the Town Clerk along

with the required fee. A license will be issued following an inspection with positive results by the ACO.

- (4) Domestic Charitable Corporation Kennel- a renewal application must be submitted annually to the Town Clerk. A license will be issued following an inspection with positive results by the ACO. An inspection fee will apply. Current rabies certificates must be on file in the Clerk's office for each dog. Individual tags will be provided at no cost.
- (5) Commercial Boarding or Training Kennel - a renewal application must be submitted annually to the Town Clerk along with the appropriate fee. A license will be issued following an inspection with positive results from the ACO.

D. FAILED INSPECTION REMEDY

If an inspection results in a violation of MGL Ch. 140 Sec. 174E, the owner will have ten (10) days to rectify the situation before additional action will be taken by the Animal Control Officer.

E. LICENSE PERIODS

All License Periods shall be from April 1 in any year to March 31 the following year.

F. DETERMINATION AND LISTING OF FEES

All fees and fines relating to this Bylaw shall be as determined by the Select board. A list of all fees and fines shall be kept on file by the Select board and be posted in a conspicuous place at the Town Clerk's office and the Public Safety Complex.

G. EXAMPLES OF VIOLATIONS THAT MAY RESULT IN A FINE

- (1) Failure to license a dog by April 31st of the given licensing period. (Exceptions exist for a dog which has not attained the age of six (6) months of age during that period and shall be licensed at reaching the age of six (6) months of age with no penalty and for a dog that is older than six (6) months that was acquired after April 31st and registered within thirty days of being acquired.)
- (2) Dog, or other personally owned animal, found to be a public nuisance
- (3) Dog without attached license tag. Unless an exemption exists.
- (4) Animal without current Rabies Certificate

H. FINES AND FEES

All fines and fees shall be collected by the Town Clerk and shall be itemized in writing and submitted monthly to the Town Treasurer for deposit into the dog officer revolving account.

Section 4 – PROHIBITION OF PERMITTING A DOG OR OTHER PERSONALY OWNED ANIMAL TO BECOME A PUBLIC NUISANCE

A. PUBLIC NUISANCE

No owner/keeper of any dog or other personally owned animal in the Town of Granby, whether licensed or unlicensed, shall allow their dog or personally owned animal to become a public nuisance as defined in section 2 (7).

- (1) A dog or other personally owned animals found to be a public nuisance as defined in section 2. (7) may be picked up and held by the ACO for safe keeping until the owner/keeper can be located and such owner/keeper may be fined as listed.
- (2) Owner/keepers who receive a notice of violation of the public nuisance portion of this Bylaw may be subject to a hearing before the Select Board under the provisions of chapter 140, Section 157 of Mass. General Laws.

Section 5 – DANGEROUS DOGS

A. FAILURE TO SAFEGUARD

No owner/keeper keeping a dangerous dog as defined in Section 2. (3). shall fail to safeguard human beings or other domestic animals from said dog.

B. COMPLAINT PROCEDURE

Upon receipt of a letter of complaint regarding a dog, the Select Board shall notify the owner/keeper of the animal of the complaint with a copy thereof, shall schedule a hearing in accordance with said statute and shall notify the owner/keeper of such hearing by regular and certified mail. A hearing can also be requested by the ACO if the ACO or the police department feels there are significant safety issues. Prior to the hearing the ACO shall investigate any claims of a dangerous dog to determine whether such a finding is warranted. If the circumstances support such a finding, the ACO shall notify, in writing, the Chief of Police and the Select Board of such findings. Where appropriate, the ACO shall submit to the Select Board a list of recommendations as to how the owner/keeper can safely control the dog so that its behavior will not put humans or domestic animals in danger. The Select Board at its sole discretion may accept the recommendations of the ACO or order other appropriate remedies. Such remedies may include, but are not limited to, one or more of the following:

- (1) Spaying or neutering the dog within a specified period of time;
- (2) Micro-chipping the dog to ensure identification should the dog be sold or given to another person;
- (3) Require ongoing behavior training by a qualified trainer specializing in dogs with problem behavior;
- (4) Use of a correctly fitted wire basket muzzle whenever outside or off the owner/keepers premises;
- (5) Containment of the dog on the owners/keeper's property in a fashion provided, however that a radio-fence alone will not constitute restraint on an owner's property; construction of a secure enclosure of chain link, no smaller than 12 feet x 12 feet with a catchment area at the gate and having a secure top and bottom so the dog cannot escape, to restrain the dog in when it is outside the owner's house and on the owners/keeper's property;
- (6) Chain link enclosure door must be secured with a padlock when the dog is in the enclosure;
- (7) Display of a sign indicating that a "dangerous dog" is on the premises;
- (8) The dog must never be unrestrained in the Town boundaries;
- (9) The dog hand walked by a competent adult, on an adequate leash no longer than (six) 6feet in

length;

(10) Require that the ACO place the dog in a secure facility, to be held at the owner's expense, until all orders to assure the dog can safely be housed in Town are successfully complied with;

(11) Humane euthanization of the dog.

C. POLICE NOTIFICATION OF DANGEROUS DOG STATUS/ CONCERN

The owner/keeper of a "dangerous dog" must immediately notify the Police Department Dispatch if the dog is loose or unconfined; bites/attacks a human or domestic animal; is sold, given away, dies, or is to be moved to another address and provide the ACO with any and all information requested under the given circumstances.

D. FAILURE TO COMPLY

Failure to comply with an order issued by the Select Board pursuant to Section 5 and M.G.L. c.140, s. 157 will result in the following:

(1) The dog being picked up by the ACO and held in the designated pound, at the owner/keeper's expense, until another Select Board hearing is held to determine any additional finding(s) and additional restriction(s);

(2) A failure to comply may result in fines or other penalties.

Section 6- ENFORCEMENT AND PENALTIES

The provisions of this Bylaw and/or any regulation of the Select Board adopted hereunder, may be enforced by the ACO or any police officer of the Town of Granby by any available means in the law or equity, including but not limited to enforcement by non-criminal disposition pursuant to the provisions of M.G.L. Chapter 40 s. 21 D. Each day a violation exists shall constitute a separate violation.

The penalties for violating this Bylaw are as listed in APPENDIX 1.

Section 7 – EMERGENCY TREATMENT OF DOGS AND CATS INJURED ON A PUBLIC WAY

Upon notification of any domestic animal being injured on a public way, the ACO shall immediately contact the owner, if known, and require the owner to care for said animal. Any cost incurred by the ACO for emergency response, care, transportation, treatment, and/or disposal of an animal shall be the responsibility of the owner/keeper.

Section 8 – PERSONS CONVICTED OF CRUELTY TO ANIMALS

Any person or persons found guilty of a violation of any provisions of Section 77, 80A, 94 or 95 of Chapter 272 of the Massachusetts General Laws, will forfeit the right to own or keep any animal within the Town of Granby and must immediately, upon conviction, surrender all animals in his/her possession to the Animal Control Officer.

CHAPTER XVIII. COUNCIL ON AGING

Section 1. MEMBERSHIP

There shall be a Council on Aging of between seven (7) and eleven (11) members, including the Chairman, to be appointed by the Select Board, in accordance with General Laws, Chapter 40, Section 8B.

CHAPTER XIX. BUILDING INSPECTOR

Section 1. BUILDING INSPECTOR APPOINTMENT

The Inspector of Buildings shall be appointed by the Town Administrator, and affirmed by the Select Board pursuant to Chapter 143, Section 33, of the General Laws.

Section 2. ASSIGNMENT OF HOUSE NUMBERS

The Inspector of Buildings is authorized to assign street numbers to all buildings located within the Town, which numbers shall thereafter be affixed by the owners on said buildings or near the line of a public or private way on which such structures are located. Such numbers shall be at least three (3) inches in height and placed so as to be clearly visible from the street. Whoever violates this Bylaw shall be fined by a sum of not more the fine listed in APPENDIX 1.

CHAPTER XX. PUBLIC HEALTH AND SAFETY

Section 1. PUBLIC POSSESSION AND CONSUMPTION OF ALCOHOL

A. PROHIBITED ACTIONS

No person shall possess, consume from and/ or transport an open container of an alcoholic beverage, while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Granby, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof. An exception shall apply to the provisions of this section for events or festivals duly licensed by the Board of License Commissioners of the Town of Granby.

B. VIOLATIONS AND PENALTIES

This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment, complaint by the Select Board, or their duly authorized agents, or any police officer or by a noncriminal disposition as provided in Chapter 40, Section 21D of the Mass. General Laws. The fine for violation of this Bylaw shall be as listed in APPENDIX 1 for each offense or take any action in relation thereto.

Section 2. PUBLIC CONSUMPTION AND USE OF MARIJUANA

A. Restrictions on Marijuana Public Use & Consumption

No person shall smoke, vaporize, ingest or otherwise consume marijuana, medical marijuana or delta-9-tetrahydrocannabinol (THC), while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Granby, or any place to which members of the public have access as invitees or licensees.

B. Violations & Penalties

This Bylaw (section 2A) may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint or by a noncriminal disposition as provided in Chapter 40, Section 21D of the Mass. General Laws, by the Select Board, or their duly authorized agents, or any police officer. The fine for violation of this Bylaw shall be as listed in APPENDIX 1 for each offense.

Section 3. GRANBY MUNICIPAL SOLID WASTE AND RECYCLING AUTHORITY TO PROMULGATE RULES AND REGULATIONS

The Granby Select Board shall have the authority to promulgate Town rules and regulations in regard to recycling and municipal solid waste collection, which are not otherwise enumerated by Massachusetts

General Laws or Town Bylaws. Any such rules and regulations to be considered shall be subject to a public hearing process.

Section 4. **ANTI-LITTER BYLAW**

A. This article shall be known and may be cited as "Granby Anti-Litter Bylaw".

B. Definitions

For the purposes of this Bylaw, the following terms, phrases, words and their derivations shall have the meaning given herein.

- (1) Garbage. The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (2) Litter. The word "litter" includes "garbage", "refuse" and "rubbish" as defined herein and all other waste materials, which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.
- (3) Park. The word "park" shall include a park, reservation, playground, recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.
- (4) Private premises. The term "private premises" shall include any private yard, land, grounds, walks, driveway, porch, steps, body of water or mailbox belonging or appurtenant to any dwelling, house, building, or other structure.
- (5) Public place. The term "public place" includes any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, bodies of water and buildings.
- (6) Refuse. The word "refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- (7) Rubbish. "Rubbish" is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (8) Shall. The word "shall" is always mandatory and not merely directory.
- (9) Vehicle. The word "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

C. UNLAWFUL USE OF PUBLIC LITTER RECEPTACLES

No person shall deposit household rubbish or garbage in public litter receptacles.

D. LITTERING (General)

- (1) No person shall throw or deposit litter in or upon any public place or private premise of another.

- (2) No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or any litter from any public or private sidewalk or driveway.

E. LITTERING IN PARKS

No person shall throw or deposit litter in any park within the Town. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

F. THROWING LITTER FROM A VEHICLE

No person, being the driver or a passenger in a vehicle, shall throw or deposit litter upon any public place or private premises.

G. UNLAWFUL DEPOSITS IN WATERWAYS

No person shall throw or deposit, in any pond, brook or natural waterway within the limits of the Town, any dead animal, dead fish or fish waste, rubbish, filth, foul or offensive substance, or any refuse matter whatsoever, fuel, lubricating oil, fish oil or other greasy substance, so that the same shall create a danger to the public health, safety and welfare.

H. DEPOSIT OF LITTER ON OPEN OR VACANT PROPERTY

No person shall throw or deposit litter on any open or vacant private property or body of water within the Town, whether owned by such person or not, so that the same shall create a danger to the public health, safety and welfare.

I. DUTY TO MAINTAIN PROPERTY FREE OF LITTER

The owner or person in control of any private property shall at all times maintain his premises free of litter so that the same does not constitute a danger to the public health, safety and welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

J. ITEMS LEFT FOR FREE

Items left for free at the curbside, or visible from the road, on a public place or private premises must be removed after four (4) days. The items will not be allowed to be placed out again for 30 days. Town of Granby Police Officers and Board of Health Members can monitor violations of this section.

K. NOTICE TO REMOVE LITTER FROM OPEN OR VACANT PRIVATE PROPERTY

The Board of Health is hereby authorized and empowered to direct the owner of any private property within the Town, or the agent of such owner, to properly dispose of litter located on such owner's property, which is dangerous to public health, safety or welfare. Such request shall be by registered or certified mail, addressed to the owner at his or her last known address.

L. PROCEDURE UPON VIOLATIONS OF THIS SECTION

- (1) It shall be the duty of any police officer, or Board of Health Member, of this Town to order any person or persons who violate the provisions of this section to cease any prohibited activities which are specified in this

section, and if the person or persons so ordered does not forthwith obey, the officer may issue a noncriminal citation with a fine as listed in the schedule in APPENDIX 1.

- (2) If the person or persons responsible for violation(s) of this section cannot be determined, then the person in lawful custody and/or control of the premises where the violation(s) occurred, including but not limited to the owner, lessee, manager, or occupant of the property, may be deemed responsible for the violation(s).
- (3) Any person or persons who commit, in the presence of a police officer, a violation of this article, which amounts to a breach of the peace or anticipatory breach of the peace, may be arrested without a warrant.
- (4) Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense shall be \$300.
- (5) The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

Section 5. TRESPASSING ON TOWN PROPERTY

Trespassing by unauthorized persons between one half hour after sunset and one half hour before sunrise, except as otherwise posted by appropriate Town officials, on Town property including the Dufresne Recreation and Conservation Area, Brown-Ellison Park, the Granby High School, East Meadow School, West Street School, the Town Cemetery, the Granby old and new Library buildings, Cooley Field, Aldrich Hall, Public Safety Complex, and all other Town property is prohibited. After verbal and/or posted notice of this Bylaw, violations of this Bylaw will be subject to arrest and/or a fine as listed in APPENDIX 1.

Section 6: PLOWING ACROSS PUBLIC WAYS

Any person who throws, pushes or plows snow onto any public way or onto any public property shall be subject to a fine as listed in APPENDIX 1. This section is enforced by the Police Department under M.G.L. Ch. 40, sec. 21D.

Section 7 NUISANCE

A. PURPOSE

This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of Granby through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

B. DEFINITIONS

As used by this Bylaw, the following terms shall have the meanings indicated:

- (1) **Plainly Audible-** Any sound from a source regulated by this Bylaw that can be detected above routine or normal ambient background noise by unaided human hearing.
- (2) **Sound Amplification System-** Any fixed or portable system to operate or amplify sound, including, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disk player, digital music player, "boom box," or loud speaker.

C. NUISANCE VIOLATIONS

- (1) It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, property or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system. The fact that the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle, boat, premises, property or sound amplification system in which or from which it originates shall constitute prima facie evidence of a violation of this section. Each such act, which constitutes a violation of this section, which either continues or is reported more than 30 minutes after the issuance of a warning or citation to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with Section 7D of this Chapter.
- (2) Sounding horns excessively. It shall be unlawful to sound or use automobile, truck or other motor vehicle horns or similar signaling devices upon the public streets, alleys, parking lots, or thoroughfares of the Town in excess of those signals necessary for the preservation of safety and is a violation of this Bylaw at any time.
- (3) For the purposes of this Bylaw, noises which disturb the reasonable quiet, comfort, repose, or health of others shall include loading or unloading activities, use of power tools and equipment, use of lawn or landscaping equipment, loud outcries, and other loud or boisterous noises which are not specifically exempted by Section 7E of this Chapter and which are plainly audible at a distance of 150 feet from their source between 10:00 p.m. and 7:00 a.m., except as otherwise indicated as outlined in Section 7E of this Chapter.

D. Procedure upon violations of this section.

- (1) It shall be the duty of any police officer, or Board of Health Member, of this Town to order any person or persons so acting as to violate the provisions of this Bylaw to cease any prohibited activities which are specified in this Bylaw, and if the person or persons so ordered does not forthwith obey, the officer may issue a noncriminal complaint with a fine as listed in the schedule on APPENDIX 1.
- (2) If the person or persons responsible for violation(s) of this Bylaw cannot be determined, then the person in lawful custody and/or control of the premises where the violation(s) occurred, including but not

limited to the owner, lessee, manager, or occupant of the property, may be deemed responsible for the violation(s).

- (3) Any person or persons who commit, in the presence of a police officer, a violation of this article, which amounts to a breach of the peace or anticipatory breach of the peace, may be arrested without a warrant.
- (4) Whoever violates any provision of this Bylaw may be penalized by a complaint brought in the District Court. The maximum penalty for a violation that goes to criminal complaint for each violation or offense shall be \$300.
- (5) The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

E. EXEMPTIONS

- (1) The following uses and activities shall be exempt from the noise level regulations:
 - a. Any law enforcement motor vehicle equipped with any communication or signaling device necessary in the performance of law enforcement duties.
 - b. Any fire apparatus, ambulance, rescue, or emergency response vehicle in performance of their public safety responsibilities. Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
 - c. Any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.
 - d. Any highway maintenance, water department, or public utilities vehicle utilizing an amplified communications system in the performance of their responsibilities.
 - e. Announcing systems at sanctioned sporting or other authorized public events.
 - f. Noises of safety signals, warning devices and emergency pressure relief valves during public emergencies.
 - g. Emergency generators and pumps during emergencies and power outages.
 - h. Noises resulting from activities of a temporary duration permitted by law and/or for which a license or permit has been granted by the Town.
 - i. Parades, music festivals, public gatherings, and events for which the Select Board have issued a permit.
 - j. Bells, chimes or carillons, or their amplified, recorded, or other electronic substitution while being used for religious purposes, in conjunction with religious services or to denote time intervals between

the hours of 7:00 a.m. and 10:00 p.m.

- k. Snow removal from private parking lots, drives, roadways, and other vehicle- or pedestrian-traveled surfaces.
- l. Noises related to activities for which a permitted use is aloud.
- m. Noise resulting from activities of any agricultural operation.
- n. Noises resulting from activities protected by the right to farm Bylaw.

F. SOUND DEVIATION (SD) PERMITS

1. Application for SD permit.

- a. Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Select Board.
- b. Any permit granted by the Select Board shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.
- c. The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses, and in the case of a conflict between individual license allowances or restrictions and this Bylaw, the terms of the license shall apply, and a violation of any such allowances or restrictions shall also constitute a violation of this Bylaw.

G. PENALTIES

The penalty for violations of this section, if not otherwise defined, shall be a fine as listed in the schedule on APPENDIX 1 to be enforced by the Police Department, Board of Health or a duly designated agent of the Board of Health in accordance with General Laws Chapter 40, Section 21D.

CHAPTER XXI. FEES

Section 1. FEES

Reasonable fees will be set by the Town board or official empowered to issue the license, permit, certificate or service in accordance with guidelines as outlined in MA GL Ch.40 22F. A list of the current fees will be posted on a Town website.

CHAPTER XXII. HISTORIC COMMISSION

Section 1. PURPOSE OF THE HISTORIC COMMISSION

The purpose of this Bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings, sites, areas and their architecture significance in the history of the Town of Granby, and through the maintenance and improvement of settings for such buildings, sites and areas that are compatible with their original design.

Section 2. ESTABLISHMENT AND MEMBERSHIP

There is hereby established under the Historic District Act of Massachusetts General Laws, Chapter 40, as amended, with all the powers and duties of a historic commission, a Granby Historic District Commission consisting of seven members, to be appointed by the Select Board, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

The Commission shall include, if possible, one member from two nominees solicited from the Granby Historical Association one member from two nominees solicited from the chapter of the American Institute of Architects covering Granby, one member from two nominees of the Board of Realtors covering Granby; and one property owner from within each of the District's areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Select board may proceed to make appointments as it desires.

The Select Board may appoint up to four alternate members to the Commission. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.

The Historical Commission and Historical District Commission will be combined into one body and its membership decided as previously outlined in this chapter. The Historical Commission will have the authority and responsibility of both existing Commissions.

Section 3. HISTORIC DISTRICT

There is hereby established under the provisions of the Historic District Act, as amended, a historic district to be known as the Granby Center Historic District, bounded as shown on a map entitled, "Plan Showing Granby Center Historic District, Granby, Massachusetts," dated September 1, 1977, attached to and made a part of this Bylaw.

Section 4. POWERS AND DUTIES

The Commission shall have all the powers and duties of a historic district commission as provided by the General Laws, Chapter 40C, and may in the exercise of any of the powers and duties accept money gifts and expend the same, and subject the appropriation or receipt of such gifts, employ clerical and technical assistance or consultants. The Commission may administer on behalf of the Town any properties or

easements, restrictions or other interests in real property. The Commission shall have, in addition to the powers, authority and duties granted to it by this Act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Town meeting.

The aforesaid powers and duties may include, but not be limited to, the following:

- a. To review the proposed construction, alteration, or demolition of any building or structure in the Granby Center Historic District, or any additional historic districts as may be established, and to make determination permitting or prohibiting such action.
- b. To propose from time to time as they deem appropriate the establishment, in accordance with the provisions of the Historic District Act, additional historic districts, and any necessary changes within a historic district.
- c. To cooperate with and advise the Planning Board, the Highway Department and other appropriate Town departments in matters involving historic buildings, sites and historic district boundaries.
- d. To cooperate with and enlist assistance for Granby from the Massachusetts Historic Commission, the National Park Service, the National Trust for Historic Preservation, the Lower Pioneer Valley Regional Planning Commission, and other agencies, public and private, from time to time concerned with historic buildings and sites.

Section 5. RECOMMENDATION FOR ADVISORY NEEDS

The Commission may recommend to the Selectmen from time to time as needed appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist in a manner comparable to the National Park Advisory Board of Consulting Committee.

Section 6. BUSINESS RULES AND REGULATIONS

The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of Chapter 40C, the Historic District Act or this Bylaw, as the case may be.

Section 7. AUTHORITY EXCLUSIONS

Notwithstanding anything contained in this Bylaw to the contrary, the authority of the Commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Granby Center Historic District or subsequent historic districts, which may be designed at some future time:

- a. Terraces, walks, driveways, sidewalks and similar structures or any one or more of them provided that any such structure is substantially at grade level.
- b. Regarding the use of signs, the existing Granby Bylaw relative to their display and size will govern their usage within the Granby Center Historic District or subsequent future designated Historic Districts.
- c. Storm doors and windows, screen, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them.
- d. Siding, providing it is clapboard, aluminum, steel or vinyl, is as nearly the same width and style as the original siding, and does not cover or remove any other part of the structure not covered by the original clapboards (i.e., corner boards and other decorative trim). The color of the siding must

comply with paint guidelines established by the Historic Commission. All new and improved synthetic materials that may be marketed at some future time would be subject to review by the Historic Commission.

- e. Relative to the choice of paint to be used within a given Historic District, the Commission will approve by two-thirds (2/3) vote, the choice of color and trim, if the color is not the existing color, or one of the colors recommended in guidelines established by the Historic Commission.
- f. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.
- g. Walls and fences. (Recommend shrubbery be used to soften or shield any wire fencing, if used.)

Furthermore, the authority of the Historic Commission will be limited to the exterior architectural features within the district, which are visible from public streets or public eye.

Section 8. **ACTION DEADLINES**

When taking action under the provisions of the Historic District Act, Section II, the Historic Commission shall make its determination within sixty (60) days or such further time as the applicant may allow in writing after the filing of the application, for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

CHAPTER XXIII. RIGHT TO FARM BYLAW

Section 1. LEGISLATIVE INTENT AND PURPOSE

The purpose and intent of this Bylaw 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 thereunder, 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 Granby restate and republish these rights pursuant to the Town's authority conferred by the Article 89 of the Articles of Amendments of the Massachusetts Constitution "Home Rule Amendment". This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Granby by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within Granby.

Section 2. DEFINITION OF A FARM

A farm shall be defined as having at least five (5) acres and generate at least five hundred (\$500) per year in gross sales. Certain small-scale specialty operations, which do not meet the five (5) acre requirement, can be arbitrated on a case-by-case basis through the Agricultural Commission. 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 be limited to the following:

- Farming and all its branches and the cultivation and tillage of soil,
- Dairying,
- Production, cultivation, growing and harvesting of any agriculture, aqua-cultural, floricultural, vita-cultural, or horticultural commodities,
- Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations,
- Raising livestock, including horses,
- Keeping of horses as a commercial enterprise,
- Keeping and raising of poultry, swine, cattle, sheep, 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,
- Operation and transportation of slow-moving farm equipment over roads within the Town,
- Controls pests, including but not limited to; insects, weeds, predators and disease organisms of plants and animals,
- Application of manure, fertilizers and pesticides,
- Conducting agriculture-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 and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand, including signage,
- 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,
- 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 Granby. The above-described agricultural activities may occur on holidays, weekdays and weekends, by night or day, and shall include the attendant incidental odors and dust 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 the society, in general. The benefits of protections of this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this right-to-farm Bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of State statute or regulation or local zoning law.

Section 4. **DISCLOSURE NOTIFICATION**

Not later than twenty-one (21) days after the 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 Granby, 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 lays within a community 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 of Granby may be impacted by commercial agricultural operations.”

A copy of the disclosure notification shall be given on a form prepared by the Town of Granby 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 Town Agricultural Commission, or its designee, prior to the sale, purchase, exchange or occupancy of such real property. In the case of the buyers’ refusal to sign the disclosure notification, an affidavit signed by the seller or their designee that the buyer was presented with a copy of the disclosure notification will be sufficient. The affidavit shall be on a form provided by the Town of Granby. In addition to the above, a copy of this disclosure notification shall be provided by the Town of Granby to landowners each fiscal year at the annual Town meeting and shall be posted in the Town hall.

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 written grievance with the Office of the Select board, the Zoning Enforcement Officer or the Board of Health, depending on 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 Office of the Select Board or the Zoning Enforcement Officer 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 of Granby authority within an agreed upon time frame. The Board of Health, except in case of imminent danger or public risk, 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 Board of Health within an agreed upon time frame.

CHAPTER XXIV. STRETCH ENERGY CODE

Section 1. DEFINITIONS

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building 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. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Section 2. 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 both new construction and existing buildings.

Section 3. APPLICABILITY

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Section 4. AUTHORITY

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 115 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

Section 5. STRETCH CODE

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Granby General Bylaws, Chapter XXIV.

The Stretch Code is enforceable by the Inspector of Buildings or Building Commissioner.

CHAPTER XXV. SEVERABILITY

Section 1. SEVERABILITY

If any of the provisions of these Bylaws or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Bylaws, or the application of such other provisions which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these Bylaws are severable.

Violation fee schedule

<u>General Bylaws</u>	<u>Penalty</u>
Chapter XI	
Section 1. Parking violations	\$50
Section 2. Unregistered motor vehicles	\$5.00
Section 4. Boating regulations	\$50.00
Section 5. Traffic control needs	\$200
Section 7. Drone regulations	1 st off written warning
	2 nd offense \$100
	3 rd offense \$250
	4 th or subsequent offense \$300
 Chapter XII	
Section 2. Tag sale/ flea market regulations	\$200
 Chapter XVII	
Section 6. Animal control violations	1 st offense \$25
	2 nd offense \$50
	3 rd or subsequent offense \$100
 Chapter XIX	
Section 2. House numbering	\$25
 Chapter XX	
Section 1. Alcohol Possession, etc.	\$200
Section 2. Marijuana Public Use	\$200
Section 3. Recycling	
Section 4. Anti-Litter	1 st offense \$ 150
	Subsequent offenses \$200
Section 5. Trespassing on Town property	\$50
Section 6. Plowing snow across a public way	\$25
Section 7. Nuisance violations	1 st offense \$25
	2 nd offense \$50
	3 rd offense \$100
	4 th and Subsequent offenses \$200