

# BYLAWS OF THE TOWN OF GRANBY

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# BYLAWS OF THE TOWN OF GRANBY

## VOLUME I

### GENERAL BYLAWS

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# BYLAWS OF THE TOWN OF GRANBY

## GENERAL BYLAWS

### CHAPTER I. TOWN MEETING

Section 1. The Annual Town Meeting for the election of Officers shall be held on the third Monday in May.

Section 2. The Annual Town Meeting for the transaction of business shall be held on the second Monday in May.

Section 3. Ten (10) voters registered in Granby may petition the Selectmen 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."

Section 4. Special Town Meetings for the transaction of business may be called by the Board of Selectmen at their discretion. In addition:

A. If the Board of Selectmen are presented with a 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.

B. The Selectmen shall call a special Town Meeting upon request in writing of two hundred (200) voters registered in Granby.

Section 5. Warrants for all Town Meetings shall be posted in a minimum of five (5) public places. The Annual Town Report shall be made available in a minimum of five (5) public places at least seven (7) days prior to the Annual Town business meeting. A notice of the warrant for every Town Meeting shall be published in a newspaper of general circulation within the Town at least seven (7) days prior to each such meeting. Said notice shall specify that copies of the warrant shall be available in the Town Hall.

Section 6. Thirty- (30) registered voters shall constitute a quorum at all business meetings. A number of registered voters smaller than a quorum may adjourn a meeting.

Section 7. Articles shall be considered in the order given in the warrant unless the meeting, by vote, determines otherwise.

Section 8. Business shall be restricted to those subjects stated in the warrant and matters reasonably related thereto or required by law to be acted upon.

Section 9. Motions made from the floor other than procedural motions, shall be submitted to the Moderator in writing before a vote is called.

Section 10. Voting shall be by a show of hands unless the Moderator or the General Laws of the Commonwealth or these bylaws prescribe other procedures, provided however, a majority of the assembled voters may order a vote by secret ballot.

Pursuant to Massachusetts General Law Chapter 39 Section 15 Moderators; powers and duties, as amended, if a two-thirds vote of a Town Meeting is required by statute, the Moderator may dispense with the requirement of taking a count of the vote if the Moderator, in his discretion and without taking a count, determines that two-thirds of those voting approved or defeated the action.

If seven or more voters immediately question a vote so declared, the Moderator shall verify said declaration by taking a count of the vote

Section 11. The Moderator may direct to any person at the meeting a request by a voter registered in Granby for information pertaining to the question under consideration.

Section 12. Ordinarily, only voters registered in Granby shall be permitted to speak at any business meeting. The Town Administrator and the Superintendent of Schools, 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 portion of the meeting room.

## CHAPTER I a TOWN MODERATOR

Section 1 The Town Moderator shall be elected at the Annual Town Election for a term of three (3) years

## CHAPTER II. BOARD OF SELECTMEN

- Section 1. The Selectmen 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. The Selectmen 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 3. The Selectmen 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 Tax Collector, and may prosecute, defend, or settle the same as they see fit, unless otherwise directed by vote of the Town.
- Section 4. The Selectmen, acting as Town Agents, shall have the authority to appoint and employ a Town Counsel to act on behalf of the Town and its various Officers, committees and boards.
- Section 5. The Selectmen, as directed by State and County, shall prepare a list of prospective jurors yearly. This list shall be published in the Annual Town Report.
- Section 6. The Selectmen are authorized to sell at public auction property taken by the Town under tax title procedure, provided the Selectmen 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. The Selectmen may appoint or assign responsibility for activities on behalf of the Town in the observance of holidays or special occasions.
- Section 8. The Board of Selectmen 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. The Board of Selectmen shall appoint pursuant to Massachusetts General Law Chapter 41 Section 108N a Town Administrator for a term not *to exceed 1 or 3 years per MGL 41 Section*

234. 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 Board of Selectmen, shall perform the duties assigned by the Board of Selectmen and shall not perform any function that has not been approved for the Town Administrator by the Board of Selectmen.

## CHAPTER III. TOWN CLERK

Section 1. The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports.

Section 2. 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 his election, choice or appointment.

Section 3. The Town Clerk shall not allow original papers or documents of the Town to be taken from his office, except as they remain in his custody by authority of law.

## CHAPTER IV. TOWN TREASURER

Section 1. The Town Treasurer shall make detailed reports of receipts and expenditures of all trust funds in his charge together with a statement of the Town debt, which shall be printed in the Annual Town Report.

## CHAPTER IV-a. TOWN COLLECTOR

- Section 1. The Collector of Taxes shall collect under the title of Town Collector, all accounts due the Town, excepting interest on investments of the sinking or trust funds.
- Section 2. 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 Board of Selectmen, who shall have the authority as agents of the Town to institute and prosecute the same.
- Section 3. All 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 4. 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 5. 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. Notice of change of ownership should be furnished immediately to the Town Collector’s Office.

## CHAPTER V. TOWN OFFICIALS AND TOWN BUSINESS

Section 1. No board or officer shall make any contract on behalf of the Town, the execution of which shall necessarily extend beyond one (1) year from the date hereof, unless specific authority to do so has been given by vote of the Town, or unless authority to do so is given by the Laws of the Commonwealth.

Section 2. Officers 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 Board of Selectmen before they are signed.

Section 3. Every Officer in charge of a Department shall annually, on or before the first day of March, transmit to the Selectmen, 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. The Town Administrator with the approval of the Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of four members, plus one appointed by the Board of Selectmen 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. 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 Selectmen and the School Committee, shall, by January 1<sup>st</sup> 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. 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 Board of Selectmen. 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 if the Committee has been informed of the emergency capital project or equipment purchase at least one month prior to the Town meeting vote to appropriate money for the emergency capital or equipment purchased and if the Board or Committee governing the Town department in which the capital project or equipment purchase will take place has declared by a vote at a public meeting that the capital project or equipment purchase is an emergency. 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.

- C. 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 Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the Town.
- D. 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.
- E. The Committee's report and the Selectmen's recommended Capital Budget shall be made available in a manner consistent with the distribution of the Finance Committee Report. The Committee shall deposit its original report with the Town Clerk.

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 Board of Selectmen 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

- A. The Tax Collector or other municipal officer responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter 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.
  
- B. 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 tax 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 tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for 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 Tax 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.

- C. 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.
  
- D. The Board of Selectmen 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 one of Chapter two hundred and sixty-eight 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 VI. FINANCE COMMITTEE

Section 1. 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 Selectmen. They shall be appointed for three (3) year terms and shall serve without pay. No appointive or elected Town Officer 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. It shall be the duty of the Finance Committee, from time to time during the fiscal year, to inquire into the expenditures and commitments of each Town Department, and to report to the Selectmen, which, if any, Department's expenditures and commitments are likely to exceed its appropriations. The Finance Committee shall have access to all financial records of each Town Department, Officer, Board or Committee. The Finance Committee shall meet with representatives of the various Town Departments, Officers, Boards and Committees at least two (2) months prior to the Annual Town Meeting to discuss the budgetary requirements for the ensuing fiscal year of such Departments, Officer, Boards and Committees. Each such Department, Officer, Board and Committee shall, prior to the 20th day of February preceding the next Annual Town Meeting, furnish to the Finance Committee an itemized estimate of the amounts necessary for the administration of its or his Department during the ensuing fiscal year.

Section 3. All articles in the Town Meeting warrant requiring or purporting to require appropriations shall be referred to the Finance Committee for consideration. The Committee shall report its recommendations thereon, and its reasons for such recommendations, to the Town Meeting.

### Section 4. Budget Process

The Town Administrator shall prepare and present a Budget Schedule to all the affected departments and committees.

The Town Administrator shall initiate the budget process by providing revenue projections to a joint meeting of the Board of Selectmen, Finance and School committees. These estimates will guide the budget setting process and shall be updated as new information becomes available.

The Town Administrator shall develop a balanced budget proposal. Upon receipt of appropriation requests from town departments, the accountant shall enter requests into budget software. The Town Administrator shall then meet with department heads in order to discuss their needs. After updating the revenue estimates and making any changes to department requests, the Town Administrator will prepare a balanced budget proposal for Board of Selectmen approval, which would then be forwarded to the Finance Committee.

The Finance Committee now controls the budget and can amend the Town Administrator's proposal in any way. They should review revenue estimates and meet with department heads, while considering the town finances objectively and without external pressure.

The overall budget calendar shall allow finalization of the budget in time to include appropriation detail in the town meeting warrant.

The Town shall formalize its budget calendar to reflect changes in the process. Beginning with the annual town meeting date in mid-May and tracking backwards, the Town will establish a budget schedule similar to the example below:

November 15	Town administrator (TA) presents revenue projections.
December 1	TA distributes budget guidelines and requests to departments.
January 1	Department deadline to submit appropriation request.
February 15	TA completes hearings and creates draft budget.
March 1	Selectmen approve budget and submit to Finance Committee.
April 15	Finance Committee completes hearings and creates final budget; at this point, revenue projections are locked; warrant goes to print and is distributed.
May/June	Town meeting votes on Finance Committee budget recommendations

Independent of any particular time schedule, financial material shall be published and available for distribution no later than two weeks before the Town meeting at which it is discussed.

## CHAPTER VII. COMMITTEES APPOINTED BY THE SELECTMEN

Section 1. Committees shall elect their own Officers and notify the Selectmen of their choices.

Section 2. Committee members shall serve without compensation.

Section 3. A Committee Member absent from one-third (1/3) of duly called meetings in any twelve (12) month period may be re-moved from the Committee by a two-thirds (2/3) vote of the other members.

Section 4. In the event of a vacancy in its membership, a Committee shall notify the appointing agency in writing, and said agency shall fill such vacancy.

Section 5. Any member of a Committee who shall be elected or appointed to Town office shall forthwith, upon certification to such office, resign as a member of said Committee. Nothing in this section shall preclude the appointment or reappointment of elected or appointed officials to Committees.

Section 6. 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 Finance Committee not later than the 20th day of February preceding the next Annual Town Meeting.

Section 7. 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.

## CHAPTER VIII. REGULATIONS OF TRAFFIC AND MOTOR VEHICLES

Section 1. 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 Board of Selectmen, 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 of Fifty (\$50.00) dollars, and said vehicles may be moved at the owner's expense or under the direction of a police officer. The Board of Selectmen 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 may be enforced by the Police Department pursuant to M.G.L. c. 40, §21D.

Section 2.

- A. 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. Whoever violates any provisions of the bylaw shall be liable to a penalty of five dollars (\$5.00) per day for each day of violations, commencing ten days following date of receipt of written notices from the Board of Selectmen.
- C. This bylaw shall not apply to motor vehicles, which are designed and used for farming purposes.

Section 3. Fire Lanes - The Fire Chief, with the approval of the Board of Selectmen, 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

4.1 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.

4.2 Anyone violating Section 4.1 of this Bylaw shall be subject to a fine of \$50.00 for each violation.

Section 5. 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.

Violation of the provisions of this Section shall be punishable by a fine of Two Hundred Dollars (\$200.00). The enforcement of this Section shall be pursuant to Massachusetts General Law Chapter 40, Section 21D by the Police Department.

#### Section 6. Handicapped Parking Bylaw

6.1 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.

6.2 The penalty for violation of this bylaw shall be two hundred dollars (\$200.00); provided, however, that 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.

6.3 This bylaw shall be enforced by Town of Granby police officers. 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 6.2 of this bylaw.

## CHAPTER VIII-A TAG SALE AND FLEA MARKET REGULATIONS

### Section 1. Tag Sale Regulations

- a. 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. No household shall conduct a Tag Sale in the Town of Granby without receiving a permit from the Board of Selectmen.
- c. All tag sale permits shall be for a 72-hour period. The hours of operation are limited from 8:00 A.M. to 5:00 P.M.
- d. All permits must be posted in plain view from the street.
- e. 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.
- f. A household may conduct or participate in no more than two tag sales per calendar year.

- g. Tag sales may only be held from a private residence or non-profit facility.
- h. Any person who violates any provision of this bylaw shall be subject to a fine not to exceed twenty-five dollars (\$25) 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. 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 only be conducted on a site, which is zoned for business or commercial uses.
- b. No individual or organization shall hold a "Flea Market" in the Town of Granby without receiving a permit for a "Flea Market" from the Board of Selectmen.
- c. A \$200.00 fee will be charged for a Flea Market permit. The permit fee may be waived by the Board of Selectmen for non-profit organizations.
- d. All Flea Market permits shall be for a 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.
- e. An individual or organization may receive no more than two (2) flea market permits in any calendar year. An individual or organization may hold no more than two (2) flea markets per calendar year.
- f. 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.
- g. No items for sale at a Flea Market shall be displayed on any public or private way.

- h. The Board of Selectmen 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.
- i. Any individual or organization who violates any provisions of this bylaw shall be subject to a fine not to exceed \$200.00 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 IX. BYLAWS

Section 1. The Board of Selectmen shall appoint a Committee of five (5) persons to review these bylaws and to recommend changes two (2) years after they are adopted by the Town and every two (2) years thereafter. At least one (1) member of each successive Review Committee shall have served on the preceding Review Committee. Records of each bylaw Review Committee shall be kept in the Selectmen'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.

Section 2. 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;

Second, the Board of Selectmen 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; and

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

## CHAPTER X. 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 VIII	
Section 2. Unregistered Motor Vehicles	\$ 5.00
Section 4. Boating Regulations	\$ 50.00
Section 5. Tag Sale Regulations	\$ 25.00
Chapter XVI	
Section 1. Alcohol Possession, etc.	\$ 50.00

Section 3. Anti-Litter (Board of Health)

\$ 200.00

## CHAPTER XI. ELECTION OF BOARD OF HEALTH

Section 1. There shall be elected at each annual election meeting, three (3) persons to act as a Board of Health. At the first election of such Board, one member is to be elected for the term of one (1) year; one (1) member is to be elected for the term of two (2) years; and one (1) member is to be elected for the term of three (3) years; and at each annual election meeting thereafter, one (1) member to be elected for the term of three (3) years.

## CHAPTER XII. BOARD OF APPEALS

Section 1. There is hereby established a Board of Appeals to consist of five (5) members and two (2) associated members to be appointed by the Board of Selectmen, 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 bylaws.

## CHAPTER XIII. GAS INSPECTOR BYLAW

Section 1. The Board of Selectmen 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 XIV. CANINE CONTROL

### Section 1. Purpose

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

### Section 2. Definitions

- A. Dog Officer - the person or persons appointed by the Selectmen or agents of a dog control facility contracting with the Town of Granby to enforce this by-law.
- B. Owner - any person who licenses a dog or keeps a dog for thirty (30) days or longer.
- C. Residence - within the boundaries of the land where the owner sleeps.
- D. Guard dog - dogs which meet the provisions of Chapter 129, Section 39B of Mass. General Laws.

### Section 3. Licensing

- A. Any dog over three (3) months may be licensed. As soon as a dog becomes six (6) months, the owner shall license it with the Town Clerk providing:
  - 1. The owner's name and address

2. A brief description of the dog
  3. A certificate of vaccination against rabies
  4. The license fee
  5. A spay or neuter certificate if applicable
- B. No license shall be issued unless the owner has recorded a valid certificate of vaccination against rabies, which shows the vaccination date and the expiration date and is signed by a veterinarian. The Clerk shall record the date of expiration. A town tag shall be attached to the dog's collar.
- C. The licensing period shall begin April 1st and shall run for one (1) year. Renewal applications shall be made between March 1st and April 30th.
- D. Application for a license must be made within thirty (30) days after obtaining a dog six (6) months or older. The Selectmen shall establish a schedule of fees for the licensing of dogs within the town.
- E. No license fees shall be required for Seeing Eye or Hearing Ear dogs. Application shall be made, however, to the Town Clerk and tags issued and worn.
- F. The Town Clerk shall maintain records of the identifying numbers of all tags issued and shall make this record available to the public.
- G. Failure to license a dog within the licensing period shall subject the owner to a late license fee/fine of \$25.00 payable in addition to any other applicable fees or fines.

Section 4. Kennel Licensing

- A. Any owner with four (4) or more dogs over the age of six (6) months may choose to obtain a kennel license. Kennel licenses shall be available in two categories: 1) Hobby Kennel - one which is maintained for breeding dogs for show or sport or which sells dogs from less than four (4) litters per year, and 2) Commercial Kennel - one which grooms, boards, or trains dogs

and/or which sells more than four (4) litters per year. Kennel license fees shall vary according to the maximum number of dogs kept and whether it is a Hobby or Commercial facility. The Selectmen shall establish a schedule of fees for kennel licenses.

- B. Kennel licensing dates shall be the same as for individual licensing.
- C. All commercial kennels must maintain conditions that meet minimum State and Federal regulations concerning animal care and welfare. It shall be a condition of the issuance of a commercial kennel license that the Dog Officer, upon twenty-four hours notice, may be permitted to inspect all dogs and premises where dogs are kept in accordance with State regulations.
- D. No kennel license fees shall be charged for a non-profit animal protection organization. Application, however, shall be made to the Town Clerk and kennel tags must be worn by dogs in the custody of the organization.

Section 5. Non-conforming dogs

Any owner who allows his/her dog to do or be any of the following will be considered in violation of this by-law:

- A. Unlicensed - a dog, six (6) months or older, which is unlicensed or not relicensed by April 30 each year.
- B. Run at Large - to go beyond the boundaries of the owner's property unless the dog is:
  - 1. In sight and under voice command
  - 2. Does not trespass on residential property. Dogs in the act of training, working, hunting, or guarding are excepted.
- C. Chase - a pedestrian, bicycle, or any other vehicle.
- D. Bark - excessively during the day, or to bark between ten (10) p.m. and eight (8) a.m. so disturbing the reasonable quiet of the neighborhood.

- E. Worry livestock - to worry, injure, or kill another's livestock, fowl or pet.
- F. Vicious - a dog that menaces, attacks, or bites a person without provocation.

Section 6. Inhumane Treatment of Dogs

All owners are expected to treat their dogs in a humane and caring manner. Owners who do not maintain minimum standards of feeding, watering, and housing are in violation of this by-law.

Section 7. Removal of Dog Waste

A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog on public sidewalks, public recreation areas, school property, public properties, and private residential property.

Section 8. Informal Complaint

- A. Any person may by telephone or letter inform the Dog Officer of any violation by:
  - 1. Identifying him/herself
  - 2. Describing the dog in detail.
- B. The Dog Officer shall make a log of all information received, but the identity of the complainant shall be strictly confidential with the Dog Officer.

Section 9. Formal Complaint

- A. Complaint forms shall be readily available from the Dog Officer, the Selectmen's Office, and the Police Department. Any resident may file this form at any of the above points or by mailing it to the Board of Selectmen, Kellogg Hall, 250 State Street, Granby MA 01033.
- B. Within seven (7) days of receiving a complaint form, the Dog Officer shall make a progress report to the complainant.

C. If the complainant remains unsatisfied he/she may refile the complaint with the Selectmen. A formal hearing may be called.

D. Confidentiality ends once a formal complaint is filed.

#### Section 10. Citations

A. The Dog Officer, acting upon a personal knowledge of a non-conforming dog, may serve a citation, having the force of law, on the owner. It shall describe the dog's conduct, cite the violation, and secure the enforcement by these means:

1. Warning - a warning shall state a deadline for compliance and other steps of enforcement, as necessary.
2. Restraint - the owner may be ordered to restrain the dog in a specific manner. If the owner fails to comply, the Dog Officer may impound the dog for adoption or euthanasia.
3. Fine - a fine may be levied to the maximum of \$25.00 for the first offense and \$50.00 for each subsequent offense to be paid to the Town Clerk. Each day of a continuing offense shall be considered a separate offense.

B. The owner shall comply with the citation by:

1. Satisfying the Dog Officer by complying with the warning or restraint order and/or
2. Paying a fine within ten (10) days to the Town Clerk.

C. Town Police Officers may issue citations for violations of this by-law.

D. The owner has the right of appeal to the Selectmen within ten (10) days of the citation's issue.

E. Filing an appeal suspends a fine or restitution but not a restraint order.

#### Section 11. Selectmen's Hearing and Order

- A. The Dog Officer or a resident may file a complaint and call for a hearing. All parties shall be served with a written notice prior to the scheduled hearing. In the case of an emergency, determined by the Chairman of the Board of Selectmen, the hearing may be held as soon as notice is delivered.
- B. The complainant shall testify under oath. Other witnesses and the defendant may testify, under oath. The Selectmen shall issue a written decision within seven (7) days to all parties concerned.
- C. The Selectmen may order enforcement by the means stated in Section 10, Citations and Section 14, License Revocation.
- D. The Selectmen may appoint a hearing officer or panel to exercise these powers.
- E. A defendant has the right of appeal to the District Court in accordance with Mass. General Laws Chapter 140, Section 157. An appeal shall be made within ten (10) days of the postmark on the notice of the decision.

#### Section 12. District Court

The Town may enforce this by-law by filing a criminal complaint in the District Court if a dog owner fails to comply with a citation or order and fails to appeal according to Section 10 and 11 of the by-law.

#### Section 13. Impoundment and Release

- A. The Dog Officer may pick up any non-conforming dog as described in Section 5.
- B. If, by license tag or other means, the owner of an impounded dog can be identified, the Dog Officer shall return the dog to the owner and issue a citation or he/she may take the dog to the Town's pound and confine it in a humane manner.
- C. Impounded dogs shall be kept for ten (10) days unless claimed by the owner.

- D. If a veterinarian determines that a dog is seriously ill or injured, the dog may be euthanized before the ten days is over.
- E. No dog shall be released until all fines and fees are paid. Fees may include:
  - 1. Pick up charge
  - 2. Board per day
  - 3. Vaccination fees
  - 4. License fees
  - 5. Leash law violation fee, and any other charges, which may be charged by the impoundment of the dog. Fines shall be paid in accordance with the Selectmen's schedule of fines.
- F. Any dog not claimed after ten (10) days may become the property of the facility being operated as the town's pound or a local non-profit dog protection organization to be placed for adoption in a suitable home or humanely euthanized.

#### Section 14. License Revocation

- A. The Selectmen may revoke a license if any person fails to comply with this by-law or any law governing the protection and keeping of dogs.
- B. The Selectmen shall review automatically all licenses to dog owners against whom three (3) or more violations of this by-law have been assessed in the twelve (12) month licensing period.
- C. Any owner whose license is revoked shall, within ten (10) days thereafter, be responsible for the placement or humane disposal of the offending dog and no part of the license fee shall be refunded.

#### Section 15. Damages by Unclaimed Dogs

The Town shall compensate a livestock owner, at fair market value, for damages caused by unclaimed dogs if the livestock owner's dog is licensed.

All claims for damages must be inspected by the Dog Officer, a member of the Board of Selectmen, and/or a Police Officer within twenty-four hours of said damages. Claim must be submitted, in writing, stating the nature of the claim, the breed of animal, and the date and location of the incident.

#### Section 16. Severability Clause

In the event that a clause of this by-law is found to be in violation of State law, that clause shall be severable and the remainder of the by-law shall continue in full effect.

## CHAPTER XV. COUNCIL ON AGING

Section 1. There shall be a Council on Aging of between seven (7) and eleven (11) members, including the Chairman, to be appointed by the Selectmen, in accordance with General Laws, Chapter 40, Section 8B.

## CHAPTER XVI. BUILDING INSPECTOR

Section 1. The Inspector of Buildings shall be appointed by the Board of Selectmen, pursuant to Chapter 143, Section 33, of the General Laws.

Section 2. The Inspector of Building 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 that Twenty-Five Dollars (\$25).

## CHAPTER XVII. PUBLIC HEALTH AND SAFETY

Section 1. It shall be unlawful for any persons to possess, consume from and/or transport an open container of alcoholic beverage on any public street, public sidewalk, or public way, or on any grounds owned by the Town except that this Section shall not apply to events or festivals duly licensed by the Board of License Commissioners of the Town of Granby and/or approved in writing by the Board, Commission, Department or official of the Town having the care and custody of the premises so licensed, to the extent of such license and/or approval.

### Section 2. Granby Recycling Bylaw

#### 2.1 Program Established

There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town.

#### 2.2 Definitions

Recyclables are:

- a. Aluminum - cans, containers, trays, packaging or other articles made from aluminum, aluminum foil, or aluminum wrappers.
- b. Glass - all broken or unbroken products being used for packaging or bottling of various matter and all other material commonly known as glass excluding:
  1. Blue and flat glass and glass commonly known as window glass.
  2. Dishes and crockery.
- c. Ferrous metal cans - all containers composed in whole of iron or steel and so called "tin" cans used for the packaging or storing of various food and non-food items, except containers which contained paint or petroleum based solvents and any pressurized aerosol cans.

- d. Newspaper - including all newspaper advertisements, supplements, comics and enclosures. Newspapers which have been soiled by paint, petroleum, oil and/or solvents, or other solid wastes are not recyclable.
- e. Corrugated paper - corrugated boxes, cardboard, cardboard cartons, pasteboard and similar corrugated and kraft paper materials except materials soiled as defined in (d) above.

### 2.3 Separation of recyclables

- a. All the metal and glass recyclables as defined in Section 2.2 (a), (b), and (c) shall be placed together separate from rubbish or garbage. These recyclables need not be washed, flattened or processed in any way, and labels, lids, corks and neck rings need not be removed.
- b. Recyclable newspapers and corrugated paper shall be placed together separate from rubbish or garbage.
  - 1. Newspapers shall either be packed in standard grocery or paper shopping bags, placed in corrugated boxes, or securely tied in flat bundles, none of which shall weigh more than fifty (50) pounds.
  - 2. If not used for packing paper recyclables, corrugated boxes and cardboard cartons shall be collapsed and tied in bundles, not weighing more than fifty (50) pounds.
- c. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse container as or otherwise mixed with other forms of solid waste for collection, removal or disposal.
- d. If no separation of recyclables takes place, none of the household rubbish or garbage shall be accepted for disposal in the Granby landfill.

### 2.4 Ownership of Recyclables. Offenses

- a. Any recyclables placed at curbside or in a central collection point in the Town shall be transported to and disposed of at the designated Materials Recovery Facility, except as may be otherwise authorized by the Board of Selectmen.
- b. Any violation of this section or any part thereof shall be punishable by a fine not to exceed three hundred dollars (\$300.00) and the violator shall make restitution to the Town for the value of any recyclable illegally removed.

## 2.5 Repealer

All bylaws or parts of bylaws, resolutions, regulations, or other documents inconsistent with the provisions of these bylaws are hereby repealed to the extent of such inconsistency.

## 2.6 Severability

These bylaws and the various parts, sentences, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of these bylaws shall not be affected thereby.

## 2.7 Effective Date

This bylaw shall take effect no later than one-week after the Material Recovery Facility commences commercial operation. Notice of the commencement date shall be published once in a daily newspaper having circulation in the Town of Granby.

## Section 3. Anti-Litter Bylaw

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

### 3.2 Definitions

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

Garbage. The word "garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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.

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.

Private premises. The term "private premises" shall include any yard, grounds, walks, driveway, porch, steps, or mailbox belonging or appurtenant to any dwelling, house, building, or other structure.

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 and buildings.

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.

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.

Shall. The word "shall" is always mandatory and not merely directory.

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.

### 3.3 Unlawful use of public litter receptacles.

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

3.4 Littering streets and other public places generally.

- a. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Town.
- b. 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.

3.5 Littering 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.

3.6 Throwing litter from vehicle.

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

3.7 Unlawful deposits in ponds, etc.

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.

3.8 Deposit of litter on open or vacant property.

No person shall throw or deposit litter on any open or vacant private property 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.

3.9 Duty to maintain private 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.

3.10 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.

Section 4. 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, Aldrich Field, Brown-Ellison Park, the Granby High School, East Meadow School, West Street School, the Town Cemetery, the Granby Library, Kellogg Hall, Aldrich Hall 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 of up to \$50.

Section 5. Landfill Regulations

5.1. The Board of Selectmen shall have authority to establish regulations governing the use of the Granby Sanitary Landfill located off New Ludlow Road, including the issuance of permits for use.

5.2. Penalty - The penalty for violation of Section 2 of this Chapter or the Regulations promulgated under Section 5.1, above, shall be a fine of Twenty Five Dollars (\$25) for the first offense, Fifty Dollars (\$50) for the second offense, One Hundred Dollars (\$100) for the third offense, and Two Hundred Dollars (\$200) for the fourth and subsequent offenses 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.

Section 6: Any person who throws, pushes or plows snow onto any public way after the Town has plowed or cleared said way or onto any public property shall be subject to a fine of twenty-five dollars (\$25.00). This section may be enforced by the Police Department under M.G.L. Ch. 40, § 21D.

Section 7: Notwithstanding any other provision of the Zoning or General Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through November 30, 2018, or until such time as the Town adopts Zoning or General Bylaw amendments that regulate Marijuana Establishments and Marijuana Retailers, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations Marijuana Establishments and Marijuana Retailers and related uses, and shall consider adopting new Zoning and General Bylaws in response to these new issues.

## CHAPTER XVIII. FEES

Section 1. Town Clerk - List of fees charged in accordance with G.L. c. 262, s. 34:

Clause (1) For filing and indexing assignment for the benefit of creditors - \$10.00.

Clause (11) For entering amendment of a record of the birth of an illegitimate child subsequently legitimized - \$10.00.

Clause (12) For correcting errors in a record of birth -\$10.00.

Clause (13) For furnishing certificate of a birth - \$6.00.

Clause (13A) For furnishing an abstract copy of a record of birth - \$4.00.

Clause (14) For entering delayed record of birth - \$10.00.

Clause (20) For filing certificate of a person conducting business under any title other than his real name - \$20.00.

Clause (21) For filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or a change of location of such business - \$10.00.

Clause (22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business - \$6.00.

Clause (24) For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth - \$20.00.

Clause (29) For correcting errors in a record death - \$10.00.

Clause (30) For furnishing a certificate of death - \$6.00.

- Clause (30A) For furnishing a abstract copy of a record of death - \$4.00.
- Clause (42) For entering notice of intention of marriage and issuing certificates thereof - \$20.00
- Clause (43) For entering certificate of marriage filed by persons married out of the Commonwealth - \$10.00.
- Clause (44) For issuing certificate of marriage - \$6.00.
- Clause (44A) For furnishing an abstract copy of a record of marriage - \$4.00.
- Clause (45) For correcting errors in a record of marriage - \$10.00.
- Clause (54) For recording power of attorney - \$10.00.
- Clause (57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof - \$20.00.
- Clause (58) For recording the name of the owner of a certificate or registration as a physician or osteopath in the Commonwealth - \$20.00.
- Clause (62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166 - \$40.00 flat rate and \$10.00 additional fee for each street or way included in such order.
- Clause (66) For examining records or papers relating to births, marriage or deaths upon the application of any person, the actual expense thereof, but not less than - \$10.00.
- Clause (67) For copying any manuscript or record pertaining to a birth, marriage or death - \$5.00.
- Clause (69) For receiving and filing of a complete inventory of all items to be included in a "closing out sale" etc. - \$10.00 1<sup>st</sup> page and \$2.00 per additional page.

Clause (75) For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Section 2, Chapter 182 - \$20.00.

Clause (78) For recording deed of lot or plot in a public burial place or cemetery - \$10.00.

Clause (79) For recording any other documents - \$10.00 per first page; \$2.00 each additional page.

Voter's Certificate -\$2.00

## CHAPTER XX. HISTORIC DISTRICT COMMISSION

Section 1. 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. There is hereby established under the Historic District Act, Massachusetts General Laws, Chapter 40C, as amended, with all the powers and duties of a historic commission, a Granby Historic District Commission consisting of five (5) members to be appointed by the Selectmen, all being residents of Granby, including two members, where possible from four (4) nominees submitted by the Granby Historical Association, one (1) member, where possible, from two (2) nominees submitted by the Chapter of the American Institute of Architects covering Granby, and one (1) member, where possible, from two (2) nominees, submitted by the Board of Realtors covering Granby. The Commission shall include, where possible, one or more residents of a historic district established in Granby pursuant to the Historic District Act. When the Commission is first established, one (1) member shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, and two (2) shall be appointed in like manner for terms of three (3) years.

The Selectmen may appoint an alternate member for a term of one (1) year and two (2) alternate members may be appointed for a term of three (3) years.

Section 3. 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. 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. 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. 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. 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 District 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 Commission will be limited to the exterior architectural features within the district, which are visible from public streets or public eye.

Section 8. When taking action under the provisions of the Historic District Act, Section II, the 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.

Section 9. The provisions of this Bylaw shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

## CHAPTER XXIII. RIGHT TO FARM BYLAW

### Section 1. Legislative Purpose and Intent

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. 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 Selectmen, 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 Selectmen 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.

#### Section 6. Severability Clause

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

## 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.**

These Bylaws are as amended: June 10, 1991

June 20, 1994

June 16, 1997

June 4, 2001

November 19, 2001

November 3, 2003

January 31, 2006

April 26, 2010

May 9, 2011

June 16, 2014