

COMMONWEALTH OF MASSACHUSETTS

TOWN OF LANESBOROUGH

GENERAL BYLAWS

INCLUDING

ACCEPTED STATE STATUTES & SPECIAL ACTS

As Amended through August 16, 2011

(As applicable, Approved by the Attorney General's Office)

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TOWN OF LANESBOROUGH GENERAL BYLAWS

CHAPTER 1: TOWN MEETING

Adopted: May 13, 1997 ATM.

Amendments: Section (A) adopted at July 23, 2009 STM.

A. Date of Town Meeting: Annual town meeting shall be held on the second Tuesday in June of each year.

B. Two-Thirds Vote: On town meeting matters requiring a two-thirds vote by statute, the Town Moderator may declare the two-thirds vote without taking a count, and said declaration shall take the place of the statutory counted vote; provided that the vote so declared is not immediately questioned by seven or more voters as provided in M.G.L. Chapter 39, Section 15. If the vote is questioned, the Moderator shall immediately put the question to another vote and take the count.

CHAPTER 2: TOWN ELECTION

Adopted at July 23, 2009 STM.

A. Date of Town Election: The Annual Town Election shall be held on the third Tuesday in June of each year.

CHAPTER 3: FINANCE COMMITTEE

Adopted: May 14, 1991, ATM, Article 16

Amendments: May 15, 2001, ATM, Article 23, August 16, STM 2011

A. Authority

1. The Lanesborough Finance Committee shall have all the powers and duties imposed upon such office by the laws of the Commonwealth of Massachusetts.

2. The Committee shall have the authority to investigate all areas of Town government, and all records required for the conduct of such investigations shall be made available to the Committee. The Finance Committee shall have the authority to employ experts or other assistants as it deems necessary.

3. The Committee shall make recommendations to the Town Meeting(s) relative to all articles in the warrants of Town Meetings and other such matters as the Committee deems appropriate.

4. The Committee shall consider transfers from the Reserve Fund. Vote required.

5. The various Town boards, officers and committees charged with expenditure of Town money shall, not later than the fifteenth of January of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable

items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit the same to the Finance Committee.

6. The Committee shall prepare the fiscal year budget line items for the Town Report/Annual Meeting. Inputs may be received from Town Departments, but the presentation of said budget to the Town is the responsibility of the Finance Committee.

B. Membership

1. The Finance Committee shall consist of five (5) members elected for three (3) year terms.

When said member vacates his/her position in the Committee, the following procedure shall be followed:

a. The Finance Committee shall make it known to the community that a vacancy exists and thereby solicit interested parties.

b. A new member shall be voted on by the remaining members of the Finance Committee and the Selectmen as determined by M.G.L. Chapter 41, Section 11.

2. The Finance Committee shall elect a Chairperson and Secretary at the first meeting held after the Annual Town Election. The officers shall serve until the next Annual Town Election.

3. Chairperson: The Chairperson shall preside at all Committee meetings. The Chairperson shall have the responsibility of posting notices of meetings as required by law. In the absence of the Chairperson, the Chairperson or the Committee shall appoint an acting Chairperson. The Chairperson cannot make or second any motion. The Chairperson shall call for a vote on all motions that have been seconded or discussed.

4. Secretary: The Secretary shall keep detailed records of the Committee's proceedings (including attendance) and conduct all correspondence required by the Committee and maintain necessary files and records.

C. Meetings

1. All meetings are run according to parliamentary rules of order. Meetings shall be held at the Town Hall monthly, or as otherwise deemed necessary by the Finance Committee. Additional meetings as required shall be scheduled by the Chairperson.

D. Quorum

1. The presence of three (3) members shall constitute a quorum. Endorsement of a motion requires a vote of the majority of the members present.

E. Subcommittees

1. The Committee members shall make the Chairperson aware of their preference of sub-committee assignments. The Chairperson is responsible for all sub-committee appointments. The Chairperson shall consider sub-committees for the following areas:

Lanesborough Elementary School
Mt. Greylock Regional High School
Town Buildings
Police Department
Fire Department
Highway Department
Assessors
Selectmen
Special Studies

2. The Committee or a designated sub-committee shall hold a public meeting on all capital expenditure articles and all articles submitted by petition for the purpose of hearing proponents and opponents of each proposal.

F. Amendments

1. The By-Laws of the Lanesborough Finance Committee may be amended by a vote of attending members at a Town Meeting.

G. Removal of Finance Committee Members

1. The Town Clerk shall mail, within fourteen (14) days after a Finance Committee member has missed more than six (6) un-excused absences within a consecutive 12 month period, a record of his/her attendance and a copy of Chapter 3G of the General Bylaws with notice that he/she is considered to have vacated the position.
2. Upon such mailing, the member of the Finance Committee shall be considered to have vacated his/her position on the Finance Committee. The Board of Selectmen and the remaining members of the Finance Committee shall meet and elect, by majority vote, a replacement member who shall serve for the balance of the unexpired term.

CHAPTER 4: BUDGET REQUESTS

Adopted: October 1, 1990, STM, Article 12.

A. Budget requests and recommendations shall be presented in the following format:

| Item | Spent | Approp. | Requested | Recommended |
|-------------|---------------------|---------------------|-------------------|-------------------|
| No. Account | FYXXXX | FYXXXX | FYXXXX | FYXXXX |
| | (2nd prior year) | (1st prior year) | (current year) | (current year) |

CHAPTER 5: BONDS EXCEEDING \$200,000

Adopted: November 29, 1976, STM, Article 2

Amendments: May 9, 2006, ATM; Article 12.

A. Any expenditure requiring a bond issue of \$200,000 or more, whether it be a Town Government expenditure or a school expenditure, be submitted at an adjourned session of the meeting, and the vote be taken on a written ballot and the polls be open from 10 a.m. to 7 p.m., and the vote on the bond issue be seven days after bond proposal and it shall be advertised in the paper.

CHAPTER 6: BOARD OF HEALTH

Adopted: , Sept. 30, 1991 STM, Article 10.

1. The Board of Health of the Town of Lanesborough shall consist of five members who shall be appointed by the Board of Selectmen.
2. Each member shall serve a term of three years with one term expiring each year.
3. The present three member Board of Health shall continue in office until the expiration of their original appointed three year terms.
4. Upon this By-Law taking effect, the Board of Selectmen shall appoint two additional members of the Board of Health, one whose term shall expire June 30, 1993, and one whose term shall expire June 30, 1994, thereafter, all members of the Board of Health shall be appointed for terms of three years.

CHAPTER 7: MUNICIPAL CHARGES

Adopted: October 22, 1996 STM, Article 6

A. Municipal Charges

1. Pursuant to M.G.L., Chapter 40, Section 21E, the due date for payment of municipal charges and bills shall be 30 days after the mailing of said charges and bills.

The rate of interest on said charges and bills shall be the rate charges on tax bills under provisions of M.G.L. Chapter 59, Section 57.

B. Ambulance Charges

1. Pursuant to the authority vested in the Town by M.G.L. Chapter 40, Section 5F, the Town of Lanesborough hereby establishes that charges shall be paid by persons transported in the Town ambulance. Said charges shall be determined by the Board of Selectmen by regulation. Said charges shall take effect after a public hearing and publication in a newspaper.

CHAPTER 8: LICENSE REVOCATION

Adopted: February 13, 1989 STM, Article 6.

A. Definitions

1. Tax Collector – The Tax Collector of the Town of Lanesborough elected pursuant to M.G.L. Chapter 41, Section 1.
2. Licensing Authority – Each board, commission, department, division or official of the Town of Lanesborough that issues licenses or permits including renewals and transfers.

B. Annual Notifications of Licensing Authority By Tax Collector

The Tax Collector shall annually furnish to each licensing authority 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 of such tax or a pending petition before the Appellate Tax Board.

C. Action by Licensing Authority

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; 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 purpose of such proceedings and shall not be relevant to or introduced in any other proceedings at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing 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, assessment, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

D. Payment Agreement

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 conditions 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.

E. Power of Board of Selectmen to Waive Action Under Certain Conditions

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 this immediate family, as defined in M.G.L. Chapter 268, Section 1 in the business or activity conducted in or on said property.

F. By-Law Not Applicable to Certain Licenses and Permits

This By-Law shall not apply to the following licenses and permits; open burning, Chapter 48, Section 13; bicycle permits, Chapter 85, Section 11A; sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140, Section 21E; fishing, hunting, trapping license, Chapter 131, Section 12; marriage license, Chapter 207, Section 28; and theatrical events, public exhibition permits, Chapter 140, Section 181.

The above By-Law shall take effect if enacted by the Town Meeting, and if approved by the Attorney general of Massachusetts under M.G.L. Chapter 40, Section 32, or if ninety days shall elapse without action by the Attorney general as provided in said Section thirty-two.

CHAPTER 9: TOWN REIMBURSEMENT

Adopted: May 10/12, 1998 ATM. Article 29

Any person or persons or any legal entities presenting any matter to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Building Inspector or any other Board of the Town, which requires the Town to incur expenses for compliance with the Zoning By-Laws, Town By-Laws, State Statutes, and

Federal statutes, shall reimburse the Town for each expense provided that reimbursement will not be required until an estimate of the expenses to be incurred signed by a responsible member of the Town Board or Commission involved, has been accepted and signed by the person, persons or legal entity presenting the matter to the Town Board or Commission, and provided further that acceptance of an estimate of expense shall not be a pre-condition for presentation of any matter to a Town Board or Commission.

CHAPTER 10: STREETS AND WAYS

Ch. 10 -Article A. Restoration Bylaw

Adopted: May 9, 2006

1. Any person(s) who intends to conduct a logging operation or will otherwise use Town Ways, to transport loads of more than twenty-five (25) tons gross vehicle weight, shall obtain a permit from the Board of Selectmen, who may require that the applicant post a bond to assure that the road will be restored to its prior condition after the proposed activity is completed.

Ch. 10 - Article B. Driveway Permits Bylaw

Adopted: May 10, 1988, Article 26

Amendments: October 16, 1989, April 4, 1995, August 5, 2002, May 9, 2006, March 19, 2009

1. No public way, excluding a state highway, shall be dug up nor opening made therein for the purpose of a driveway opening without the written permit of the Town, and then only in accordance with regulations issued by the Board of Selectmen, and the work shall be done under the Board of Selectmen's supervision and to the Board of Selectmen's satisfaction, and the entire expense shall be paid by the person to whom the permit was given or by whom the work was done.

2. The Board of Selectmen may require a bond to guarantee the work was done. The Board of Selectmen may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to public ways and facilities caused by or resulting from the operations authorized by such permit. The amount of said bond shall be determined by the Board of Selectmen not to exceed the estimated cost of the work and possible damage, but shall be not less than one hundred dollars nor more than five thousand dollars.

3. Except as provided herein, any person who digs up or make an opening in a public way without a permit or violates any other provision of this By-Law shall be punished by a fine of not more than fifty dollars per offense.

Ch. 10 - Article C. Parking on Private Ways / Fire Lanes Bylaw

Adopted: May 10, 1988, Article 25

Amendments: Section (B) amended May 10, 1988 ATM; Section (C) amended May 10, 1988; Section (D) amended May 10, 1994.

1. It shall be unlawful for any operator to park or leave a vehicle unattended within the limits of a private way which furnishes means of access for fire apparatus to any building, and upon which the Fire Department has by written order, authorized placement of signs indicating that such activity is unlawful.

2. Any person violating this By-Law shall be punished by a fine of \$100.00.

3. This By-Law shall be enforced by the Chief of Police and his designees in accordance with the provisions of M.G.L. Chapter 90, Section 20 A1/2.

Ch. 10 - Article D. Snow Removal Bylaw

Adopted: May 10, 1997, Article 23

1. No person, other than an employee in the service of the Commonwealth or the Town of Lanesborough or an employee in the service of an independent contractor acting for the Commonwealth or the Town, shall pile, push, plow or otherwise move snow or ice onto a public way in the Town so as to impede or obstruct the flow of traffic on such way. Whoever violates this By-Law shall be punished by a fine of not more than \$300.

CHAPTER 11: DESIGNATED PARKING SPACES

Ch. 11 - Article A. Parking in Designated Handicapped Spaces Bylaw

Adopted: May 10, 1988, Article 22

1. It shall be unlawful for unauthorized persons to park in places specified for handicapped parking, as defined in M.G.L. Chapter 90, Section 2, in the following areas:

- (1) Public parking areas; and,
- (2) Private parking areas.

2. Pursuant to the provisions of M.G.L. Chapter 40, Section 21 (clause 24), any person violating this By-Law shall be punished by a fine of \$15.00 for the first offense; and for the second and subsequent offence \$25.00.

3. This By-Law shall be enforced by the Chief of Police and his designees in accord with the provisions of M.G.L. Chapter 90, Section 20A ½.

4. Required that the following be provided: Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing distinctive numbered plates authorized by M.G.L., Chapter 90, Section 2 or for vehicles transporting handicapped persons and displaying the special parking identification plates authorized by said Section 2 of said Chapter 90 or for vehicles bearing the official identification of a handicapped person issued by any other state or any Canadian providence provided in public and private off-street parking areas.

Ch. 11- Article B. Handicapped Parking in Public and Private Off-Street Parking Areas Bylaw

Adopted: May 10, 1988, Article 23

1. All public and private off-street parking areas must contain properly designated parking places for any vehicle owned or operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by M.G.L. Chapter 90, Section 2. The appropriate number of spaces for lots are as follows:

| <u>Lot Size</u> | <u>Number of Handicapped Spaces</u> |
|-----------------|---|
| 15 or less | 0 |
| 16 to 25 | 1 |
| 26 to 40 | 2 |
| 41 to 100 | 40% of all spaces, but not less than 3 |
| 101 to 200 | 3% of all spaces, but not less than 4 |
| 201 to 500 | 2% of all spaces, but not less than 6 |
| 501 to 1,000 | 1 ½ % of all spaces, but not less than 10 |
| 1,001 to 2,000 | 1% of all spaces, but not less than 15 |
| 2,001 to 5,000 | ¾ % of all spaces, but not less than 20 |
| 5,001 and up | ½ % of all spaces, but not less than 30 |

2. Description: Each space must:
- a. Be twelve (12) feet wide or two (2) eight-foot areas with four (4) feet of cross hatch between them;
 - b. Identified by the use of above grade signs with white lettering against a blue background bearing the word: “HANDICAPPED PARKING: SPECIAL PLATES REQUIRED. UNAUTHORIZED VEHICLES MAY BE REMOVED AT OWNER’S EXPENSE”.
 - c. Shall be as near as possible to a building entrance or walkway; and
 - d. Shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person.

3. Responsibility for Implementation. The owner or person in possession of a private off-street parking area is responsible for implementing the requirements of this article.

4. Violations. Violations shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

5. Authority to Enforce. The Building Inspector shall have the authority to enforce this article by actions in the District Court.

Amendments: Article 22 and Article 23, May 10, 1988 ATM.

CHAPTER 12: ANIMAL CONTROL

Ch. 12 Article A. - Dog Licensing

Adopted: May 9, 2000 ATM.

A. Preamble – The purpose of this by-law shall be to establish the rights and responsibilities of dog owners and or their assigns in the Town of Lanesborough.

B. Definitions

1. OWNER or KEEPER - Any person or persons, firm, association or corporation owning, keeping, or who has in his possession, for eleven (11) consecutive days in any calendar year, a dog or any other animal, licensed or unlicensed; and cannot show to the satisfaction of the Animal Control Officer/Dog Officer that such animal was sold, had died, was given away or otherwise disposed of. Further, if the owner or keeper of a dog or other animal were a minor, the parent or guardian of such minor shall be held liable for any violation of this By-Law.

2. RUN AT LARGE - Free of restraint and permitted to wander on private or public ways at will.

3. LICENSE PERIOD - The time between April 1 and March 31, both dates are inclusive.

4. LIVESTOCK OR FOWL - Animals or fowl kept or propagated by the owner for food or as a means of livelihood, kept in proper houses or suitably enclosed yards. Such phrase shall not include dogs, cats and other pets.

5. ANIMAL CONTROL OFFICER - Any officer appointed by the Board of Selectmen to enforce laws relating to animals.

C. License Requirements, Fees, Exceptions

1. Any owner or keeper of a dog six (6) months of age or older in the Town shall cause that dog to be licensed as required by Massachusetts General Laws Chapter 140 commencing on April 1st of each year.

2. Any owner or keeper of more than three (3) dogs must acquire a kennel license.

3. All kennels must be fully licensed pursuant to the provisions of M.G.L. Chapter 140 and subject to the Town's Zoning By-Laws.

4. All dogs and cats six (6) months of age or older must be current with vaccinations against rabies as per M.G.L. Chapter 140, Section 145B.

5. The annual fee for every dog or kennel license, and all fines relevant to animal control shall be established by the Board of Selectmen. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind or deaf person provided that the Division of the Blind or Deaf certified that such dog is so trained and actually in the service of a blind or deaf person.

6. The registering, numbering, describing and licensing of animals shall be performed in the office of the Town Clerk on a form prescribed and supplied by the Town, and shall be subject to the condition expressed therein that the dog so licensed shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

7. No license fee shall be refunded in the whole or part for any reason.

8. Should any owner or keeper of an animal fail to license that animal as required under M.G.L. Chapter 140 before April 1, the owner or keeper shall pay a late fee as established by the Board of Selectmen before obtaining said license, except a dog brought into the Town as provided by M.G.L. Chapter 140, Section 138. This late fee shall be applicable from the 61st day after arrival of such dog. Any person maintaining a commercial kennel in the town, who fails to license as prescribed by this section and the laws of the Commonwealth, shall pay a late fee as established by the Board of Selectmen commencing April 1.

9. The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing.

10. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amount of license fees determined to be due and owing by the Town Clerk pursuant to this By-Law, for past periods in which said person was obligated to obtain a license. It shall be a violation of the By-Law to fail to pay any said sum due hereunder, this remedy shall be cumulative.

D. Person Convicted of Cruelty to Animals

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

E. Complaint of Dangerous/Nuisance Dogs

If written complaint is made to the Board of Selectmen regarding a dangerous or nuisance dog, as determined by the Animal Control Officer or Investigating Police Officer, such complaint shall be acted upon in conformance with M.G.L. Chapter 140, Sections 157 and 158, as amended.

F. Warrant to Animal Control Officers

The provisions of M.G.L. Chapter 140, Section 153, as amended are incorporated herein.

G. Liability of Owner

1. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, and the Board of Selectmen may order the owner or keeper to pay such damages after an investigation as set forth in M.G.L. Chapter 140.

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

3. In addition, the Board of Selectmen or its agent thereto authorized in writing, may after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have killed livestock or fowl, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars (\$200) with sufficient sureties approved by the Board of Selectmen, conditioned that the dog is continually restrained. If the owner or keeper of the dog declares his intention to give such a bond, the Board of Selectmen or its agent shall allow him seven (7) days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to the Board or to file with the Town Clerk.

4. If a dog which has previously been ordered restrained by the Board of Selectmen, or upon review by the District Court, wounds any person or shall maim or kill any livestock or fowl, the owner or keeper of such dog will be liable to the person injured thereby in treble the amount of damages sustained by him.

5. The owner or keeper of any animal injured or killed by a motor vehicle shall be responsible for the cost of all rescue response, emergency care, treatment and/or disposal of said animal.

H. Enforcement/Penalties

1. The Animal Control Officer(s) duly appointed or, in their absence, police officers shall enforce the provisions of this Animal Control By-Law, and shall attend to all complaints or other matters pertaining to animals in the Town.

2. Notwithstanding any provisions of the General Laws to the contrary, any person(s) who:

a. refuses to answer or answers falsely questions of an Animal Control Officer or a police officer pertaining to his/her ownership of an animal; or

b. is found guilty of cruelty to animals; or

c. refuses to turn over any animal to the Animal Control Officer upon demand as authorized by Sections 5 and 6 of this By-Law; or

- d. violates a Selectmen's Order.

shall be punished by a fine of not more than twenty-five dollars (\$25) for the first offense, and not more than one hundred dollars (\$100) for the second or subsequent offenses.

3. Notwithstanding any provisions of the General Laws to the contrary, any person who:

- a. violates a provision of this By-Law; or
- b. is the owner/keeper of any animal who intentionally allows any such animal to cause a nuisance by barking, howling, or otherwise disturb another person's right to peace, pursuant to Section 4 of this by-law; or
- c. is the owner/keeper of an animal found to have bitten or injured any person, dog or other animal; or
- d. is the owner/keeper and fails to vaccinate against rabies pursuant to M.G.L. Chapter 140, Section 145B.

may be subject to a fine of not more than fifty dollars (\$50).

4. If the owner/keeper fails to license animals pursuant to M.G.L. Chapter 140 and this By-Law, the owner/keeper shall be subject to a fine of twenty-five dollars (\$25). If the animal is not licensed within 10 days upon notification of the violation, owner/keeper shall be subject to a fine of fifty dollars (\$50).

5. Where applicable, each day shall constitute a separate offense.

6. Any Animal Control Officer who takes cognizance of a violation of any of the above offenses may issue or mail a Notice of Complaint of Violation of Municipal Animal Control By-Law to the owner or keeper of such animal.

I. Disclaimer/Severability Clause

1. Nothing contained within this By-Law shall limit or restrict any enforcement officer's authority to seek criminal prosecution of any violation of State or Federal law.

2. If any part, section or provision of this By-Law is found to be invalid, the remainder of the By-Law shall not be affected thereby.

Chapter 12 Article B – Removal of Animal Litter

Adopted: May 10, 2006

1. If any animal shall defecate upon any property or area, as hereinafter defined, then the owner, keeper or person then walking or otherwise in charge of said animal shall

immediately remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are removed, the owner, keeper or the person then walking or otherwise in charge of said animal (or if owner, keeper or person shall be under the age of 18, then the parent or guardian) shall be deemed to have committed a punishable offense.

2. As used in this section, the following terms shall have the meaning indicated: Property or Area – Any public property or the common areas of any privately-owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner or keeper or of the person then walking or otherwise in charge of the animal.

The provisions of this bylaw shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person. The commission of any offense punishable under this section shall be punishable by a fine of Fifty (50) dollars.

CHAPTER 13: FIRE DEPT REGULATIONS

Ch. 13 – Article A. - Regulation and Control of Fire Detection and Alarm Systems

Adopted: May 11, 2004, Article 18

A. By definition, “Fire detection and Alarm Systems”, are those installed in privately owned structures, residential, educational religious, commercial, industrial, which, when activated, result in an alarm of fire being transmitted. Alarm transmittal may be by the sounding of an external alarm, alerting the general public; by automatic telephone call; by personal telephone call; by direct connection; or by any other means. This section shall consist of the following paragraphs:

B. No fire detection and alarm system as defined, shall be installed without obtaining a permit from the Fire Chief. Owners of existing alarm systems maintained in the town shall, within 60 days of the enactment of this bylaw file for a permit.

C. The owner/owners of the property in which the system is installed shall furnish, in writing, to the Fire Chief telephone numbers (other than the protected premises) with the names of responsible individuals, who are authorized to respond to emergency calls and provide access to the structure. Enough names and numbers shall be furnished to insure availability of at least one such individual at any hour of the day or night. This list shall be revised, as required, to be kept current and accurate.

D. No testing, repairing, altering, or other actions, which might result in the transmittal of an alarm to the Fire Department shall be performed without prior notification to the Fire Department, Fire Department dispatch center, and/or alarm monitoring station.

E. Failure to comply with any of the requirements of Paragraph 1 through 3 shall be

punishable by a fine of \$25.00 assessed to the property owner and payable to the Town of Lanesborough, for deposit in the Fire Alarm Fund and sent to the Fire Department.

F. All installations will be inspected and tested prior to the permit being validated. Upon validation the installation may be connected.

G. Devices shall have lightning surge protection.

H. Devices shall not activate on account of power interruptions. Voice messages shall not exceed 15 seconds in duration. Devices shall not dial more than twice for the same alarm.

I. Equipment shall be serviced by a competent serviceman at least once every two years. Reports of such service shall be made to the Chief of the Fire Department.

J. False Alarms of fire are those alarms transmitted, when no fire condition exists, and are the result of negligence, or defective equipment. The owner of any property in which a false alarm is transmitted shall be penalized in accordance with the following schedule:

1. The first false alarms shall be free of charge and a written warning from the Fire Chief to the property owner, including this section.

2. The second false alarm (within twelve (12) months of the date of first false alarm) a fine of \$100.00 shall be assessed to the property owner payable to the Town of Lanesborough for deposit in the Fire Alarm Fund and sent to the Fire Department.

3. The third and subsequent false alarms (within twelve (12) months of the date of the first false alarm) a fine of \$200.00 shall be assessed to the property owner payable to the Town of Lanesborough for deposit in the Fire Alarm Fund and sent to the Fire Department.

K. When the Fire Department responds to an alarm of fire by a fire alarm activation, where the premises are unoccupied, and the department is unable to gain access to the structure; and is unable to contact any of the individuals listed for access; the Fire Officer in command may if he/she has reasonable concern or suspicion that a fire or other emergency exists within the structure, may make a forcible entry to determine whether or not such conditions exist. The Fire Officer shall:

1. Notify the Police Department of this action.

2. Secure the premises insofar as feasible.

3. Continue efforts to contact the individuals listed as responsible for the structure.

4. Enter the action taken in the Fire Department report for that incident.

Ch. 13 Article B. –Ambulance Charges

Adopted: May 8, 1990, Article 21

Pursuant to the authority vested in the Town by M.G.L. Chapter 40, Section 5F, the Town of Lanesborough hereby establishes that charges shall be paid by persons transported in the Town ambulance. Said charges shall be determined by the Board of Selectmen by regulation. Said charges shall take affect after a public hearing and publication in a newspaper.

CHAPTER 15: UNLAWFUL NOISE DISTURBANCE

Adopted at July 23, 2009 STM, Article 2.

A. Purpose

WHEREAS excessive, continuous sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive, continuous sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured an environment free from excessive, continuous sound, it is the policy of the Town of Lanesborough to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This By-law shall apply to the control of sound originating from stationary and mobile sources, as described herein, within the limits of the Town of Lanesborough.

B. Unlawful Noise Prohibited

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, continuous, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the town of Lanesborough. The following acts are declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be exclusive, namely:

C. Specific Prohibited Acts

1. No person shall cause, suffer, allow, or permit the following acts in such a manner so as to annoy or disturb the reasonable quiet, comfort or repose of persons across a residential real property line:

- a. Operating, playing, or permitting the operation or playing of any radio, television, phonograph, amplified instruments or similar device that reproduces or amplifies sound for a sustained duration, in such a manner as to create a noise disturbance, if outside the parameters of any license or permit;

- b. Using or operating any loudspeaker, public address system, or similar device for a sustained duration, such that the sound there from creates a noise disturbance;
- c. Owning, possessing, or harboring any animal or bird that, frequently and for sustained duration, generates sounds that creates a noise disturbance;
- d. The operation of a motorized vehicle(s) that frequently and for a sustained duration, generates sound that creates a noise disturbance;

D. Exemptions

- 1. None of the terms or prohibitions of the previous section shall apply or be enforced against any of the following activities:
 - a. **Agricultural Activities.** Noise caused by agricultural, farm-related, or forestry-related activities as defined by M.G.L. Chapter 128, Section 1A, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, and noises from farm animals.
 - b. **Construction Activities.** Noise from construction or business vehicles and equipment, provided that all motorized equipment used in such activity is equipped with functioning mufflers.
 - c. **Domestic Power Equipment.** Noise from domestic power tools, lawn mowers, chainsaws, leaf blowers, wood splitters, air compressors and other similar equipment.
 - d. **Emergency Vehicles.** Any police, fire, ambulance or other emergency response vehicle while engaged in necessary emergency situations.
 - e. **Highway and Utility Maintenance and Construction.** Necessary excavation or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.
 - f. **Public Address.** Non-commercial public speaking and public assembly activities subject to federal and state constitutional protection.
 - g. **Alarm Systems.** Any sound generated from a device used in an alarm system.

- h. **Religious/Municipal Uses.** Any bell or chime or other sound generated from a school, municipal facility or place of worship.
- i. **Municipal Events.** Noise generated from municipally sponsored or approved celebrations or events.
- j. **Snow Removal Activities.** Noise from snow blowers, snow throwers, and snow plows.

E. Enforcement Procedures

1. Enforcement of this bylaw is through the Lanesborough Board of Selectmen and the Lanesborough Police Dept. The municipal enforcement officer shall initially determine the extent and nature of any violations of the By-law, and having determined that such violations have occurred or are continuing to occur, shall serve a written Notice of Violation on the offender. A Notice of Violation is deemed served on the day it is received, if served by hand or by certified mail, return receipt requested, and is deemed served on the third day after mailing, if served by first class mail, postage prepaid.

2. Each Notice of Violation shall state that the Board of Selectmen shall hold a public hearing, at which the offender shall be allowed to appear and present evidence in his behalf, to determine if the violation(s) set forth in the notice constitutes a violation of the By-law. The municipal enforcement officer responsible for issuing the initial Notice of Violation shall also be present at the hearing. After listening, to the evidence presented, the Board of Selectmen shall determine whether or not to issue a Cease and Desist Order. If the Cease and Desist Order is violated the offender shall be subject to the fines as set forth below and/or referred to the appropriate court. Notice of such public hearing shall be served on the offender in the manner set forth for the above service of a Notice of Violation, such hearing to be held no later than twenty-five (25) days from the date that such notice is served.

F. Penalties

The first violation of this by-Law shall be punished by a fine of not less than two hundred dollars (\$200.00). The second violation of this by-law shall be punished by a fine of not less than two hundred and fifty dollars (\$250.00). Further violations shall be punished by a fine of three hundred dollars (\$300.00). Each such act which either continues or is repeated more than one-half (1/2) hour after issuance of a written Notice of Violation of this by-law shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property where there is a non-resident owner, the owner must also be notified in writing that the violation has occurred.

G. Other Remedies

If the person or persons responsible for an activity which violates Section 2 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

H. Severability

If any provision of this by-law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

CHAPTER 15: MOTELS

Adopted: May 14, 1996 ATM, Article 27

Amendments: September 3, 1996 STM.

A. Definitions

1. Guest: The person who has requested a room or rooms to let to him/her.
2. License: A permit or approval issued by the designated authority in the Town of Lanesborough authorizing an owner to provide sleeping accommodations for transient persons upon the payment of a fee.
3. Motel: Any building or group of buildings located in the Town of Lanesborough which provides sleeping accommodations for transient persons upon payment of a fee, the premises having been licensed by the Board of Health to provide such services.
4. Occupant: A person occupying a room other than a guest; provided however, that a person under the age of 16 shall not be considered an occupant.
5. Operator: The person responsible for the day to day operation of the motel.
6. Owner: The person to whom the license to operate the motel is issued.
7. Person: Any individual, partnership, corporation, association and/or joint venture.
8. Premises: The area and building licensed by the appropriate licensing authority to operate the motel.
9. Record: A typed or neatly hand-printed permanent legible record prepared by the operator for each guest and occupant of the motel.
10. Vacate: When a guest and/or occupant has checked out or has otherwise removed his/her belongings from the room or rooms let to him/her.

B. Records

1. Every operator of a motel shall keep a permanent record of each and every guest and occupant; except when five (5) or more members of a business, fraternal or social group or other group having a common interest are engaging rooms, they may designate one person to make the entry on their behalf and prior to occupancy, or when said guest is registered under the direction of the Massachusetts Department of Public Welfare.
2. The record shall consist of the following:
 - a. The name of each guest;
 - b. The address of each guest;
 - c. The driver's license number, state of issue and date of license expiration for each guest. If the guest has no driver's license, then the operator shall obtain another recognized form of picture identification such as an Alcoholic Beverage Control Card, Massachusetts Department of Welfare Card, Passport, Military Identification Card or the like. The operator shall indicate the type of identification used in order to complete the record. If the guest has none of the above identification, the operator may accept two forms of permanent identification that the reasonable prudent person would accept as valid in establishing a person's identity. Such identification as a social security card, check cashing privilege card, mail order forms of identification and the like are not acceptable forms of identification;
 - d. The license plate number, date of registration and state of issue for the vehicle operated by each guest, if possible;
 - e. The number of the room assigned to each guest;
 - f. The date and time of the assignment of each room; and
 - g. The date the guest vacated the room.
3. The records shall be available for immediate inspection by the licensing authority and/or a member or members of the Lanesborough Police Department upon a request made to the operator.
4. The record shall be retained by the operator or his/her successor for a period of two (2) years from the date of creation.
5. The owner shall file annually on March 1, a statement of the beneficial ownership of the licensed premises. Said statement shall list each owner's name and address and percentage share of ownership. If the owner is a corporation which is not

publicly traded, it shall list the total number of issued shares and the name and address of each owner. Publicly traded corporations shall file the names and addresses of the president and treasurer of the corporation. The owner shall file along with the statement of beneficial interest, the name and address of the operator of the motel.

6. The owner shall file with the licensing authority, immediately upon or prior to the change of the operator, the name and address of the new operator.

7. The operator shall notify the Lanesborough Police Department, immediately, of any illegal activity occurring on the premises.

C. Violations and Penalties

1. Each violation of these Rules and Regulations shall be reported to the Lanesborough Board of Selectmen immediately upon discovery of said violation.

2. Penalty:

a. For the first two violations, the operator and owner shall receive a written warning from the Police Department.

b. For the third violation, written notice shall be given by the Police Department to the operator and owner, and a fine imposed on the owner in the amount of \$100.00; and

c. For the fourth and subsequent violation, written notice shall be given by the Police Department to the operator and owner, and a fine imposed on the owner in the amount of \$500.00.

3. Any and all penalties imposed under this section shall be payable within 30 days. Said payment shall be made to the Town of Lanesborough and a receipt for said payment shall be issued and the money so received forwarded to the Town Treasurer.

4. Failure to make payment as required by Section 3.4 will result in a request being forwarded to the appropriate licensing authority that the license to operate be suspended for a period of time not less than ten (10) business days.

5. Before any action is taken by the Board of Selectmen pursuant to this Section, the owner shall receive at least seven (7) days written notice of the reported violation and shall be given the right to appear before the Board of Selectmen to answer the charges contained in the notice of violation.

6. Each day that a room is occupied in violation of these Rules and Regulations shall be considered a separate violation of the record keeping provisions of these Rules and Regulations.

7. Any owner who objects to a penalty imposed under Section 3.2 may request a hearing before the Board of Selectmen by filing a written request with the office

of the Board of Selectmen for a hearing within 20 days of the date of the notice of violation. The decision of the Board of Selectmen with respect to any appeal to it for penalties imposed under Section 3.2 shall be final.

D. Severability

In the event that any provision or clause of these Rules and Regulations is in conflict with applicable law, such provision of clause shall be ineffective and the remaining portions of these Rules and Regulations shall remain in full force and effect.

CHAPTER 16: NUMBERING OF BUILDINGS

Adopted: May 8, 1990 ATM, Article 22

Amendments: January 22, 2008 STM, Article 13

Pursuant to the authority granted to the Town of Lanesborough by M.G.L. Chapter 40, Section 21, Clause 10, the Town hereby sets forth the following By-Law regulating the numbering of buildings on public and private ways in the Town.

Numbering buildings-Assignment of numbers

A. It shall be the duty of the Board of Assessors to assign numbers to all dwelling houses or other buildings now standing or hereafter to be erected and fronting on any on public street, private way, lane, alley or public court within the Town. When any such structure shall hereafter be erected, the Building Inspector shall forthwith notify the Planning Board thereof, which shall thereupon notify in writing the owner or occupant thereof of the number assigned thereto.

B. The numbers referred to in paragraph A of this By-Law shall each cover a frontage equal to at least the minimum lot frontage as set forth in the Zoning By-Law for the zoning district that encompasses the street, way, lane, alley or court portion of the street, way, lane, alley or court in question as determined by the Planning Board; and measurement for such assignment of numbers shall be made continuously from end to end of the street, way, lane, alley or court. The odd numbers shall be on the left hand side of the street, way, lane, alley or court as one goes from the principal street from which it opens, and the even numbers similarly on the right hand side of the street, way, lane, alley or court. The Planning Board may order any street, way, lane, alley or court already numbered to be renumbered whenever it deems necessary.

C. Every owner or occupant of any dwelling house or other building or part of a building, shall place and maintain, in contrasting color, over the door or outermost portion thereof, facing such street such number or numbers as may be assigned thereto by the Planning Board under any of the provisions of this By-Law, and such numbers shall be at least three (3) inches in height and shall be placed so as to be easily observed from the street in front of the premises. When the dwelling house or other building is situated at a distance of more than seventy-five (75) feet from the street line, the number or

numbers shall be posted in a manner near the street so as to be visible or placed on the road-side mail box so as to be observed from either direction on the street.

D. The proper display of the house or building number or numbers shall be a condition of the issuance of the Certificate of Occupancy.

CHAPTER 17: LAND DISTURBANCE

Adopted January 22, 2008, STM

1A. Purpose and Intent.

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Lanesborough's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater which result in the; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding. This by-law establishes minimum storm water management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

B. Objectives.

The objectives of this by-law are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the town's storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to storm water discharges; and
7. To establish Lanesborough's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

C. Applicability.

No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Town of Lanesborough's municipal separate storm sewer system, as shown on the above referenced map, without a permit from the Permit Granting Authority (PGA). Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site. Construction activities that are exempt are:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
2. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
5. Work activities of municipal, state or federal agencies or their agents outside of the Phase II boundaries as shown on the latest U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II maps.
6. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 1.3 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this by-law.

D. Permits and Procedures

1. The Permit Granting Authority (PGA) under this bylaw shall be the Lanesborough Board of Selectmen. Such special permit shall be granted if the PGA determines in conjunction with the Planning Board, Conservation Commission and Highway Supt. that the intent of this bylaw, as well as specific criteria, are met. The PGA shall not grant a special permit under this section unless the petitioner's application materials include, in the PGA's opinion, sufficiently detailed definite, and credible information to support positive findings in relation to the standards given in this section. The PGA shall document the basis for any departures from the recommendations of the other town boards or departments in it decision.
2. The site owner or his agent shall file with the PGA, ten (10) copies of a completed

application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:

- (a) A completed Application Form with original signatures of all owners;
 - (b) Ten (10) copies of the Stormwater Management Plan and project description as specified in Section 1.5;
 - (c) Ten (10) copies of the Operation and Maintenance Plan as required by Section 1.6 of this by-law;
 - (d) Payment of the application and review fees
3. Entry. Filing and application for a permit grants the PGA or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.
4. Other Boards. The PGA shall give copies of the application package to the Planning Board, Conservation Commission and Highway Supt.
5. Fee Structure. The PGA shall obtain with each submission an Application Fee established by the PGA to cover expenses connected with the Public hearing and application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The PGA is authorized to retain a Registered Professional Engineer or other professional consultant to advise the PGA on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. Failure to pay any said fee(s) may result in the rejection of the application.
6. Actions. The PGA's action, rendered in writing, shall consist of either:
 - (a) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in 1.5.2 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
 - (b) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the PGA which will ensure that the project meets the Standards in 1.5.2 and adequately protect water resources, set forth in this by-law;
 - (c) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in 1.5.2 or adequately protect water resources, as set forth in this by-law.

7. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

E. Contents of Stormwater Management Plan

1. Application. The Stormwater Management Plan shall contain sufficient information for the PGA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in the Standards of this section and the current edition of the Department of Environmental Protection guidelines and policies. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (a) Locus map,
- (b) The existing zoning, and land use at the site,
- (c) The proposed land use,
- (d) The location(s) of existing and proposed easements,
- (e) The location of existing and proposed utilities,
- (f) The site's existing and proposed topography with contours at 2 foot intervals,
- (g) The existing site hydrology,
- (h) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
- (i) A delineation of 100-year flood plains, if applicable
- (j) Estimated high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.
- (k) The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
- (l) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,

- (m) A description and drawings of all components of the proposed drainage system including:
 - (i) Locations, cross sections, and profiles, of all brooks, streams, drainage swales and their method of stabilization,
 - (ii) All measures for the detention, retention, or infiltration of water,
 - (iii) All measures for the protection of water quality,
 - (iv) The structural details for all components of the proposed drainage systems and stormwater management facilities,
 - (v) Notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - (vi) Expected hydrology with supporting calculations.
- (n) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
- (o) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- (p) A maintenance schedule for the period of construction, and
- (q) Any other information requested by the PGA.

2. Standards. Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- (a) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- (b) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- (c) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- (d) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total

Suspended Solids (TSS). It is presumed that this standard is met when:

- (i) Suitable nonstructural practices for source control and pollution prevention are implemented;
 - (ii) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - (iii) Stormwater management BMPs are maintained as designed.
- (e) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.
- (f) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see MA DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), cold water fisheries, and recharge areas for public water supplies.
- (g) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- (h) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- (i) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
- (j) When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

3. Project Changes. The permittee, or their agent, shall notify the PGA in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the PGA determines that the change or alteration is significant, based on the design requirements listed in Section 1.5 and accepted construction practices, the PGA may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the SPGA may require the installation or interim measures before approving the change.

F. Operation and Maintenance Plans

An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this by-law and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance Plan shall remain on file with the PGA and shall be an ongoing requirement. The O&M Plan shall include:

1. The name(s) of the owner(s) for all components of the system
2. Maintenance agreements that specify:
 - (a) The names and addresses of the person(s) responsible for operation and maintenance.
 - (b) The person(s) responsible for financing maintenance and emergency repairs.
3. Maintenance Schedule for all drainage structures, including swales and ponds.
4. List of easements with the purpose and location of each.
5. The signature(s) of the owner(s).
6. Stormwater Management Easements(s).
 - (a) Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - (i) Access for facility inspections and maintenance,
 - (ii) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - (iii) Direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - (b) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - (c) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the PGA.
 - (d) Easements shall be recorded with the Berkshire County Registry of Deeds prior to issuance of a Certificate of Completion by the PGA.

7. Changes to Operation and Maintenance Plans

(a) The owner(s) of the stormwater management system must notify the SPGA of changes in ownership or assignment of financial responsibility.

(b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the PGA and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

G. Surety

The PGA may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the PGA to ensure that the work will be completed in accordance with the permit. If the project is phased, the PGA may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the PGA has received the final inspection report as required by Section 1.8.4 and issued a Certificate of Completion.

H. Inspections

The PGA or its designee shall inspect the project site at the following stages:

1. Initial Site Inspection: prior to approval of any plan.
2. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
3. Bury Inspection: prior to backfilling of any underground drainage stormwater conveyance structures.
4. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The PGA or its agent shall inspect the system to confirm its “as-built” features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the PGA which will issue a Certificate of Completion.
5. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Lanesborough may use the surety bond to

complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

I. Waivers

1. The PGA may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- (a) Such action is allowed by federal, state and local statutes and/or regulations,
- (b) Is in the public interest, and
- (c) Is not inconsistent with the purpose and intent of this by-law.

2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-laws does not further the purposes or objectives of this by-law.

3. All waiver requests shall be discussed and voted on at the public hearing for the project.

4. If in the PGA's opinion, additional time or information is required for review of a waiver request, the PGA may continue the hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

J. Certificate of Completion

The PGA will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this by-law.

K. Enforcement

1. The PGA or an authorized agent of the PGA shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

2. Orders.

- (a) The PGA or an authorized agent of the PGA may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include requirements to:

- (i) Cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;
 - (ii) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
- (b) Perform monitoring, analysis, and reporting;
- (c) Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
- (d) If the enforcing person determines that the abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Lanesborough may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.
- (e) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the PGA within thirty (30) days of receipt of the notification of the cost incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the PGA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

CHAPTER 18: ILLICIT DISCHARGE DETECTION AND ELIMINATION

Adopted January 22, 2008, STM

A. Purpose

Increased and contaminated stormwater runoff is a major cause of:

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;

2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat; and
4. flooding.

Regulation of illicit connections and discharges to the municipal storm sewer system is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

1. to prevent pollutants from entering the town's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

B. Definitions

For the purposes of this by-law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Lanesborough Board of Selectmen its employees or agents designated to enforce this by-law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm sewer system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLCIT CONNECTION: A surface or subsurface sewer or conveyance, which allows an illicit discharge into the municipal storm sewer system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm sewer system that is not composed entirely of stormwater, except as exempted in Section 1.8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 1.8, of this by-law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM DRAIN SYSTEM (MS4) or MUNICIPAL STORM SEWER SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the town of Lunenburg.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm sewer system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth.

Pollutants may include but are not limited to:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;

3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects,
5. ordnances, accumulations and floatables;
6. pesticides, herbicides, and fertilizers;
7. hazardous materials and wastes; sewage, fecal coliform and pathogens;
8. dissolved and particulate metals;
9. animal wastes;
10. rock, sand, salt, soils;
11. construction wastes and residues; and
12. noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT: A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

C. Applicability

This by-law shall apply to flows entering the municipally owned storm sewerage system.

D. Authority

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

E. Responsible for Administration

The Board of Selectmen in conjunction with the Highway Superintendent shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the above may be delegated in writing by the above to employees or agents of the above.

F. Regulations

The Board of Selectmen may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Board of Selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

G. Prohibited Activities

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Sewer System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm sewer system without prior written approval from the Board of Selectmen.

H. Exemptions

Discharge or flow resulting from fire fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm sewer system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Discharge from street sweeping;
13. Dye testing, provided verbal notification is given to the Board of Selectmen prior to the time of the test;
14. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of

Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

15. Discharge for which advanced written approval is received from the Board of Selectmen as necessary to protect public health, safety, welfare or the environment Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Town of Lanesborough Board of Selectmen or Board of Health.

I. Emergency Suspension of Storm Sewerage System Access

The Board of Selectmen may suspend municipal storm sewer system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

J. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Board of Selectmen and Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the Board of Selectmen no later than the next business day. The reporting person shall provide to the Board of Selectmen written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

K. Enforcement

The Board of Selectmen in conjunction with the Highway Superintendent or an authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create

further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board of Selectmen or an authorized agent of the Board of Selectmen may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than **\$300.00**. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Selectmen, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Selectmen deems reasonably necessary.

Appeals. The decisions or orders of the Board of Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

L. Severability

The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

M. Transitional Provisions

Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions or petition the Board of Selectmen for an extension provided good cause is shown for the failure to comply with the by-law during the specified period. All other property owners shall have 180 days from the effective date of the by-law to comply with its provisions or petition the Board of Selectmen for an extension provided good cause is shown for the failure to comply with the by-law during the specified period.

CHAPTER 19: RIGHT TO FARM

Adopted: May 9, 2006, ATM, Article 9

A. Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations 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 Lanesborough restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

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

B. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

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

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of appropriately marked slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting 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 farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

C. Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Lanesborough. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The

benefits and protections of this By-law 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 By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

D. Disclosure Notification

Not later than 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 Lanesborough, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

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

E. Resolution of Disputes

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

F. Severability Clause

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

CHAPTER 20: JUNK AND DILAPIDATED MOTOR VEHICLES

Adopted: March 2, 1992 ATM.

A. No unregistered and dilapidated motor vehicle or part thereof shall be permitted to stand for more than thirty (30) days on any premises unlicensed under Massachusetts General Laws, Chapter 140, Section 57, unless said vehicle or part is not visible from any adjoining property or public way, or is covered with a suitable approved cover. It is the Board of Selectmen, whose judgment shall be final, who will determine whether such unregistered motor vehicle is dilapidated for the purposes of this By-Law and what covers are suitable.

B. Any person or entity who violates this By-Law shall be liable to a fine of \$100.00 and each day of violation shall be a separate and distinct offense.

CHAPTER 21: MANDATORY RECYCLING

Adopted: May 9, 1989 ATM, Article 11

A. In order to implement a program of recycling in connection with ordinary waste disposal, residents of every household shall separate waste material into the following categories before depositing same for disposal:

1. Glass and cans
2. Paper
3. Other waste

B. If no separation takes place, waste material shall not be accepted for disposal.

CHAPTER 22: HAZARDOUS MATERIAL RELEASE

Adopted: October 19, 1993 STM, Article 2

A. Any person or entity who causes or is legally responsible for a release or threat of release of hazardous material, oil or gasoline shall be liable, without regard to fault, for all costs of assessment, containment, or removal incurred by the Town of Lanesborough and/or the Lanesborough Volunteer Firemen's Association, in connection with such release or threat of release;

B. Cost of assessment, containment, or removal shall include, but not be limited to (1) actual payroll cost for all Town personnel involved in the activities;

C. For purposes of this By-Law "hazardous material" shall be defined in accordance with Chapter 21E of the Massachusetts General Laws.

CHAPTER 23: WASTE DISPOSAL

Adopted: June 14, 2011, ATM, Article 15

SECTION 1. Deposit in Town Disposal Site Prohibited Without a Permit. No person, firm or corporation shall discharge, deposit, inject, dump, spill, leak, incinerate or place any type of waste, garbage, offal, snow or other offensive substances which have been collected outside the Town of Lanesborough in any disposal site located within said Town without a Disposal Permit from the Board of Selectmen.

SECTION 2. Violations and Penalties

Whoever, himself or by his agent, violates this bylaw, shall be punished by a fine of not than \$300.00 for each offense and shall also be ordered to remove the substances so deposited. Each day of violation shall constitute a separate offense.

APPENDICES

SECTION A: SPECIAL ACTS RELATING TO THE TOWN OF LANESBOROUGH

| <u>Chapter and Year</u> | <u>Title</u> | <u>Date Approved</u> |
|---------------------------------|---|-----------------------------|
| Chapter 344 of the Acts of 2008 | AN ACT VALIDATING THE ACTIONS TAKEN AT THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF LANESBOROUGH. | October 6, 2008 |
| Chapter 116 of the Acts of 2008 | AN ACT FURTHER REGULATING MUNICIPAL RETIREE HEALTH INSURANCE IN THE TOWN OF LANESBOROUGH | May 28, 2008 |
| Chapter 386 of | AN ACT VALIDATING THE ACTION | December |

| | | |
|----------------------------------|---|--------------------|
| the Acts of 2006 | TAKEN AT THE TOWN ELECTION HELD BY THE TOWN OF LANESBOROUGH. | 22, 2006 |
| Chapter 84 of the Acts of 1999 | AN ACT FURTHER REGULATING THE BAKER HILL ROAD DISTRICT IN THE TOWN OF LANESBOROUGH. | September 24, 1999 |
| Chapter 0164 of the Acts of 1995 | AN ACT AUTHORIZING THE TOWN. OF LANESBOROUGH TO PROHIBIT CERTAIN HEAVY VEHICLE TRAFFIC FROM PARTRIDGE ROAD, SUMMER STREET AND PROSPECT STREET | October 17, 1995 |
| Chapter 0248 of the Acts of 1994 | AN ACT RELATIVE TO THE LICENSING OF CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENTS IN THE TOWN OF LANESBOROUGH. | December 15, 1994 |
| Chapter 0444 of the Acts of 1993 | AN ACT VALIDATING CERTAIN ACTIONS BY THE TOWN OF LANESBOROUGH. (acceptance of Park Drive, Victoria Lane, Noppet, North Mountain Road and Lynne Court) | January 12, 1994. |
| Chapter 0457 of the Acts of 1991 | AN ACT FURTHER REGULATING THE NORTHERN BERKSHIRE SOLID WASTE DISTRICT. (includes Lanesborough) (amending Chapter 135 of the acts of 1988) | December 30, 1991 |
| Chapter 0041 of the Acts of 1989 | AN ACT ESTABLISHING THE BAKER HILL ROAD DISTRICT. | April 27, 1989 |
| Chapter 0323 of the Acts of 1982 | AUTHORIZING THE TOWN OF LANESBOROUGH TO PAY CERTAIN UNPAID BILL. | July 14, 1982 |
| Chapter 0425 of the Acts of 1981 | An Act Validating The Action Of The Town Of Lanesborough In Levying Betterment Assessments For The Installation Of Sewer System In Certain Part Of Said Town. | September 29, 1981 |
| Chapter 0127 of the Acts of 1980 | An Act Ascertaining The Will Of The Voters Of The Town Of Lanesborough Relative To Making Police Officers In The Town Of Lanesborough Subject To Civil Service Law And Rules. (Authorizing Ballot Question to Voters) | May 2, 1980 |
| Chapter 0628 of the Acts of 1979 | AN ACT ALLOWING THE MAINTENANCE OF A CERTAIN SIGN ON ROUTE 7 IN THE TOWN OF LANESBOROUGH | September 26, 1979 |
| Chapter 652 of the Acts of 1977 | AN ACT AUTHORIZING THE TOWN OF LANESBOROUGH TO PAY A CERTAIN | October 19, 1977. |

| | | |
|-----------------------------|--|-------------------|
| | AMOUNT OF MONEY TO HARRIS PRINTING. | |
| Chapter 119 of Acts of 1961 | AN ACT EXTENDING THE TIME FOR ACCEPTANCE OF AN ACT ESTABLISHING THE LANESBOROUGH GARDEN CIRCLE SEWER DISTRICT. (Amending Section 16 of chapter 133 of the acts of 1951, as amended by chapter 2 of the acts of 1956) | February 24, 1961 |

**SECTION B: MASSACHUSETTS GENERAL LAWS
ACCEPTED BY THE TOWN OF LANESBOROUGH**

2011 – June 14, Annual Town Meeting – Article 5 – Meals Tax

Accepted the provisions of M.G.L. Ch.64L, Se. 2(a) to impose a local meals excise tax.

2010 – June 8, Annual Town Meeting – Article 5 – Room Occupancy Excise

Accepted the provisions of M.G.L. Ch. 64G, Se. 3A to impose a local room occupancy tax of six (6) percent.

**2008 – May 13, Annual Town Meeting – Article 14 – Personal Property -
RESCINDED AT ATM ON JUNE 14, 2011**

Accepted the provisions of M.G.L. Chapter 59, Section 5, Cl.54 to exempt small personal property accounts less than \$10,000 from taxation.

2008 – May 13, Annual Town Meeting – Article 28 – Collection of Fees

Accepted the provisions of M.G.L. Chapter 40, Section 21, Paragraph 13, whereby all town officers are required to pay all fees received by them by virtue of their offices into the town treasury.

2006 – May 9, Annual Town Meeting – Article 20 – Sewer Enterprise

Accepted the provisions of Chapter 44, Section 53f 1/2 to establish an Enterprise Fund from sewer user fees for the operation and maintenance of the town sewer system.

2006 – May 9, Annual Town Meeting – Article 32 – Collection of Fees

Accepted the provisions of Chapter 40, Section 22f, regarding the collection of various fees and charges by municipal boards and officers.

2005 - May 10, Annual Town Meeting - Article 7 - Property Tax Exemption

Accepted the provisions of Ch. 59 Sec. 5, Clause 37A to increase the property tax exemption for the blind from \$437.50 to \$500.00.

2004 - November 30, Special Town Meeting – Article 8 – Volunteer Fire Department

Accepted the provisions of Section 12 of Chapter 46 of the acts of 2003 to allow members of the Lanesborough Volunteer Fire Department to join the Town health insurance plan at no cost to the Town.

2001 – May 10, Annual Town Meeting – Article 36 – Senior Citizen Property Tax Work-Off Abatement

Accepted the provisions of M.G.L. Section 5K to establish a Senior Citizen Property Tax Work-Off abatement program.

1999 - September 28, Article 2 - Dogs

Accepted the provisions of M.G.L. Chapter 140, Section 147A which will enable the Town to enact by-laws and set and collect fees relative to the regulation of dogs.

1999 - January 26, Article 1 - Health Insurance

Accepted the provisions of M.G.L. Chapter 32B, Section 18 which will require that all retirees, their spouses or dependents who are enrolled in Medicare Part A be required to enroll in a Medicare health benefits supplement plan offered by the Town.

1997 - May 13, Article 3 - Quarterly Tax Billing

Accepted the provisions of M.G.L. Chapter 59, Section 57C regarding quarterly tax billing.

1996 - October 22, Article 5 - Unpaid Sewer Charges

Accepted the provisions of M.G.L. Chapter 83, Sections 16A through F regarding tax liens for unpaid sewer charges.

1996 - May 21 - Annual Town Election - Health Insurance

Question #1 - Accepted the provisions of M.G.L. Chapter 32B, Section 9A. (The Town authorized payment of one-half the premium costs payable by a retired employee for group life insurance and for group general or blanket hospital, surgical, medical, dental and other health insurance.)

Question #2 - Accepted the provisions of M.G.L. Chapter 32B, Section 9E. (The Town authorized a subsidiary or additional rate, in addition to the payment of fifty percent of a premium for contributory group life, hospital, surgical, medical, dental and other health insurance for employees retired from the service of the town and their dependents. NOTE: The Selectmen had to approve this additional rate for retirees; and approved 90% on October 26, 1998.)

1996 - May 14, Article 16 - Police Educational Incentives

Accepted the provisions of M.G.L. Chapter 41, Section 108L to establish a fund regarding educational incentives for Police Officers.

1996 - May 14, Article 22 - Ambulance Enterprise Fund

Amended the vote taken on May 8, 1990, Article 17 which read "to accept the provisions of M.G.L. Chapter 40, Section 39K for the purpose of establishing an enterprise fund for the lease/purchase of the town ambulance" by correcting the Section of M.G.L. to read "to accept the provisions of M.G.L. Chapter 44, Section 53 F 1/2".

1996 - May 14, Article 29 - Nude Dancing

Accepted the provisions of M.G.L. Chapter 138, Section 12B to ban nude dancing.

1995 - May 9, Article 6 - Annual Town Caucus

Rescinded the vote taken on Article 20 of the May 13, 1975 Annual Town Meeting, which voted "to change its present method of conducting its Annual Town Caucus and adopt the following method:

Pursuant to the provisions of M.G.L. Chapter 53, a person seeking election to an office to be filled at a Town Election shall file a nomination paper with the office of the Town Clerk at least eleven (11) days prior to the date on which such Caucus is held.

1994, May 10, Article 30 - Early Retirement/Education Reform

Accepted the Early Retirement Provision of Chapter 71 of the Acts of 1993 ("The Education Reform Act of 1993"), subject to the School Committee accepting and incorporating within their annual budget all costs related to this program.

1993, May 11, Article 16 - Parking Violations

Accepted the provisions of M.G.L. Chapter 40, Section 22D to allow the Board of Selectmen to adopt regulations to remove vehicles parked in violation of the law.

1992, May 12, Article 13 - Early Childhood Program

Accepted the provisions of M.G.L. Chapter 71, Section 26C to establish a revolving account for the receiving and disbursement of funds for the Early Childhood Program at the Lanesborough Elementary School.

1991, September 30, Article 2 - 3/4 Year Old Program

Set up a Revolving Account for the 3 and 4 year old program at the Elementary School in accordance with the provision of M.G.L. Chapter 71, Section 26C; and the School Committee will report on receipts and expenditures for the Revolving Account to the Town and any excess in the account be transferred to the Town's "Free Cash".

1991 - July 15, Article 1 - Emergency 911

Accepted the provisions of Chapter 291 of the Acts of 1990, thereby allowing the Town to receive Enhanced 9-1-1 service as defined in said act, and, if acceptance notification to the Secretary of the Commonwealth of said acceptance occur on or before December 11, 1991, the Town will also receive, at no cost to it, the benefits of Enhanced 9-1-1 network features and components and any other Enhanced 9-1-1 network features that may be made available by the Statewide Emergency Telecommunications Board.

1991 - May 14, Article 34A - Recreation Revolving Account

Accepted the provisions of M.G.L. Chapter 44, Section 53D to establish a Recreation Revolving Account.

1990 - May 8, Article 15 - Room Occupancy Excise

Accepted the provisions of M.G.L. Chapter 64G, Section 3A to impose a local room occupancy excise at the rate of 4%.

1990 - May 8, Article 16 - New Growth Assessment Date

Accepted the provisions of M.G.L. Chapter 653, Section 40 of the Acts of 1989 regarding assessment date changes for new growth.

1990 - May 8, Article 17 - Ambulance Enterprise Fund

Accepted the provisions of M.G.L. Chapter 40, Section 39K for the purpose of establishing an Enterprise Fund for the Lease/Purchase of the Town Ambulance. (NOTE: At the May 14, 1996 Annual Town Meeting, Article 22, the Town voted to correct the section of M.G.L. to read 53 F 1/2. Also, at the May 9, 1995 Annual Town Meeting, Article 7, the vote was amended by adding the following wording after town ambulance: "and all costs associated with operating said ambulance".)

1990 - January 16, Article 2 - Appropriations Offset

Accepted the provisions of M.G.L. Chapter 44, Section 53E to allow specific appropriations to be offset, in part or in the aggregate, by the estimated receipts from the fees charged to users of services provided by agency, board, department or office.

1989 - February 13/14, Article 8 - Mutual Police Aid Programs

Accepted the provisions of M.G.L. Chapter 40, Section 8G regarding "Agreements for Mutual Police Aid Programs."

1988 - May 10, Article 28 - Parking Clerk

Accepted the provisions of M.G.L. Chapter 90, Section 20A 1/2 allowing the Selectmen to appoint a Parking Clerk.

1987 - October 26, Article 6 - Dog Fines

Accepted the provisions of M.G.L. Chapter 140, Section 173 and Chapter 140, Section 141 for dog fines and accept the following fees: failure to restrain, 1st time \$5.00, 2nd time-\$25.00, 3rd time-\$40.00, 4th time-\$50.00; failure to license-\$10.00.

1987 - May 12, Article 18 - Property Tax Exemptions

Accepted the provisions of M.G.L. Chapter 59, Section 5, Clause 17D and 41C. (This will update the partial property tax exemption for older citizens (70 years of age and older) to match the recent revaluation at full and fair cash value.)

1987 - May 12, Article 21 - License Revocation

Accepted the provisions of M.G.L. Chapter 40, Section 57. (This will allow the Licensing Board to deny, revoke or suspend any local license or permit for any person, corporation or

business which has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.)

1987 - May 12, Article 22 - Outstanding Sewer Charges

Accepted the provisions of M.G.L. Chapter 83, Sections 16A through 16E, inclusive. (This will allow the Tax Collector to add outstanding sewer use taxes to subsequent real estate taxes and to add interest to them.

1984 - May 8, Article 22 - Property Tax Exemptions

Accepted the provisions of M.G.L., Chapter 59, Section 5, Clause 17C and 41B. (This will update the partial property tax exemptions for older citizens (70 years of age and older) to match the recent revaluation at full and fair cash value.)

1983 - May 10, Article 15 - Town Clerk Fees

Adopted a new schedule of fees for the Town Clerk's office, for the following documents, in accordance with the provisions of M.G.L. Chapter 262, Section 34, as amended.

| <u>Document</u> | <u>Fee</u> |
|---|------------|
| Filing and indexing benefit of creditors | \$ 5 |
| Amendment of Birth Record | 5 |
| Correcting Errors in Birth Record | 5 |
| Certificate of Birth | 3 |
| Abstract Copy of Birth Record | 2 |
| Entering Delayed Record of Birth | 5 |
| Business Certificate | 10 |
| Change of Business Certificate | 5 |
| Certified Copy of Business Certificate | 3 |
| Correcting Errors in Death Record | 5 |
| Certificate of Death | 3 |
| Abstract Copy of Death Record | 2 |
| Intention of Marriage & Issuing Certificate | \$10 |
| Certificate of Marriage - Married outside Mass. | 3 |
| Certificate of Marriage | 3 |
| Abstract Copy of Marriage | 2 |
| Recording Power of Attorney | 5 |
| Recording Order Granting Location of Poles | 25 |
| (under Chap. 166, Section 22) each additional | 5 |
| Examining Birth, Marriage, Death Records | 5 |
| Copying Record of Birth, Death, Marriage | 3 |
| Filing Instrument of Trust | 2 |
| Recording Deed of Lot or Plot for Burial | 5 |
| Voter's Card | 2 |

| | | |
|---|------------------------|---|
| Recording Any Other Documents | (1st page) | 5 |
| | (each additional page) | 2 |
| Filing of Inventory of Closing Out Sale | (per page) | 2 |

1976 - August 16, Article 1 - Indemnification (Repealed in 1978)

Accepted M.G.L. Chapter 41, Section 100I which provides that the Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in any amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

1976 - June 28, Article 6 - UNACCEPTED STREETS

Voted that Article 24 of the May 11 Town Meeting be taken off the table. Amended to read "To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 5, Clause 68, provided that a Town may at any Town Meeting appropriate money for the exercise of any of its corporate powers including the following purposes: For the reconstruction of any unaccepted street upon petition of the owners of fifty percent of the lineal footage on such street; provided, however, the expense of such reconstruction may be charged to all abutters in proportion to the lineal footage owned by such abutters on such street."

1974 - May 21 - Annual Town Election - HEALTH INSURANCE

Ballot Question #1 - Voted to accept the provisions of M.G.L. Chapter 32B, Section 7A. (This allows the Town to pay a subsidiary rate in addition to the payment of 50% of the premium for contributory Group Life and Health Insurance for employees in the service of the Town and their dependents.

1970 - February 10, Article 22 - POLICE DEPARTMENT

Rescinded the action taken at the February 14, 1966 Annual Town Meeting (whereby the Town voted to accept the provisions of Chapter 41, Section 97A) and voted to accept the provisions of Chapter 41, Section 97 and establish a Police Department according to the provisions of said Section 97.

SECTION C: BOARD OF SELECTMEN REGULATIONS

1. CURB CUT OR DRIVEWAY PERMIT

Adopted: October 16, 1989

Amendments: April 4, 1995, August 5, 2002, May 9, 2006,
November 23, 2009, March 19, 2009

1.0 No person shall construct or relocate a driveway or access road from private property to a public way or a way shown on an approved subdivision plan, without first having obtained a written permit from the Board of Selectmen. Applications shall be submitted to the Superintendent of Streets, who shall make recommendations to the Selectmen on issues relating to the installation of aprons, culverts and other features. A permit fee of \$300.00 (\$250.00 REFUNDABLE) must be submitted with the application.

1.1 Application and Issuance

Application for said permit shall contain a description of the proposed construction as far as it encroaches upon or affects the way and its shoulders, banks, ditches, drainage, and other features. The permit shall be issued with due consideration of traffic hazards and drainage problems which might result from the proposed driveway. The Permit Granting Authority shall issue or deny said permit within 14 days of application.

Any application for a driveway of such length or grade that it may discharge, in the judgment of the Permit Granting Authority, a substantial volume of water upon a way, or adjacent property, shall be denied until it includes such plans and specifications for proposed drainage facilities as may be required. Such facilities must be so designed as to reduce, disperse, and delay the runoff, or otherwise protect the traveled ways, drainage facilities, and adjacent lands from flooding, erosion, and siltation, and prevent the pollution of waterways or wetlands.

1.2 Design Requirements

- a. Maximum unpaved driveway grade: 10%
- b. Maximum paved driveway grade: 12%
- c. Wherever possible, entrances are to be set back sixty-five (65) feet or more from a street corner measured between the nearest edge of the driveway and the cross road edge of pavement.
- d. Wherever possible, a clear sight distance of at least sixty-five (65) feet should be maintained on either side of the driveway at its point of intersection with the public way.
- e. Driveways shall be so constructed that water from the driveway shall not drain onto the crown of the road.
- f. In no instance shall the edges of the driveway entering into the road conflict with the flow of the surface water runoff.
- g. Culverts taking the place of roadside ditches shall have a diameter of not less than twelve (12) inches. Larger diameters may be required.

1.3 Common Driveways

No person shall construct or relocate a common driveway from private property to a public way or a way shown on an approved subdivision plan, without first having obtained a written permit from the Planning Board.

Design Requirements for Common Driveways

- a. A common driveway shall provide access to no more than five (5) dwelling units.
- b. Maximum length to the last fork of a common driveway shall be 1,000 feet.
- c. The traveled way shall have a minimum width according to the following schedule:
 - If less than 500 feet in length, a minimum width of 12 feet
 - If more than 500 feet in length, a minimum width of 15 feet
- d. Frontage on a common driveway may not be used to satisfy zoning frontage requirements.
- e. A common driveway must originate on approved frontage and must observe a twenty-five (25) foot setback from the sideline which the lot or origin shares with a lot not served by the common driveway. The design shall in the opinion of the Permit Granting Authority assure adequate safety and access for emergency vehicles.
- f. The application for a common driveway must be accompanied by a declaration of covenants, easements and restriction for the use and maintenance of said common drives.
- g. The sale of lots and/or the erection of buildings are prohibited until such time as the common driveway has been constructed in accordance with the permit approval plan.
- h. The Planning Board may grant a waiver of any of the requirements of Section 1.3, if they find that it will cause a hardship, financial or otherwise. The Planning Board reserves the right to impose conditions, limitations or safeguards on any permit or extension issued under these regulations, including the imposition of a bond to guarantee the faithful and satisfactory performance of the work.

1.4 Relation to Subdivision Regulations

- a. Where the proposed development constitutes a subdivision, any requirements in Subdivision Regulations of the Town of Lanesborough regarding the design of ways shall supersede the requirements of this by-law.
- b. A curb-cut permit will not be issued until the Planning Board has given its final approval to the subdivision plan.

2. RULES AND REGULATIONS GOVERNING THE PROCEDURE AND CONDITIONS FOR THE ACCEPTANCE OF TOWN WAYS

Adopted: February 12, 1945

The Selectmen of the Town of Lanesborough hereby adopt the following rules and regulations for the Acceptance of Town Ways or Public roads.

Clause 1. Before any consideration will be given to the acceptance of a Town Way, as such, a petition shall be presented to the Selectmen requesting the acceptance of the proposed Town Way or Public Road signed by at least 50 registered voters of the Town together with a plan thereof drawn to scale incorporating therein the boundaries of said way or street, the measurements thereof and the lots or land abutting thereon together with the names and addresses of the record owners thereof.

Said petition and plan shall be filed as aforesaid at least 60 days prior to the annual or any special Town Meeting.

Clause 2. The Selectmen shall hold a public hearing on said petition and plan or plans within 21 days of the filing thereof by posting notices thereof in three public and convenient places in the Town or by publication in a local newspaper at least seven days before the date of said hearing.

Clause 3. The said proposed Town Way shall meet with the following specifications:

- a) Said road to be at least thirty feet in width.
- b) Gravel surface not less than eight inches in depth.
- c) Adequate drainage.

All of which shall meet with the approval of the Selectmen.

Clause 4. The petitioners shall furnish to the Town, easements, rights of way or title to the land comprising the said Town Way and releases from all abutters and all persons or corporations having any interest direct or indirect in said land, releasing said Town from any and all damages for water flowage or any other damages that might occur from the use of said proposed Town Way as such.

Proof that the requirements contained in Clauses numbered 3 and 4 have been satisfied shall be submitted to said Board of Selectmen on or before the date set for the said hearing.

Clause 5. The Selectmen shall within ten days from the time of holding said hearing decide whether the proposed road or way meet with the foregoing specifications and conditions and in the event the said Board decides that said specifications and conditions have not been met they shall take no action directed toward the laying out of the proposed way under G.L. Chap. 82.

If however the said Board decides that the proposed way or road does meet with the foregoing specifications and conditions they shall cause to be filed with the Town Clerk a plan of the laying out thereof, with boundaries and measurements, seven days at least before the said annual or special Town Meeting and shall insert an article in the warrant for the call of said meeting providing for action by the Town on the acceptance of said proposed laying out of said road or way.

Clause 6. If the Town Meeting votes to accept the laying out of the proposed way or road the Selectmen shall adopt an order for the establishment of the laying out thereof and file said order with the Town Clerk within 30 days from the date of said Town Meeting.

If the Town Meeting rejects or does not vote to accept said road or way the Selectmen shall not lay out or adopt any order relative thereto.

3: LEAF AND WASTE RULES & REGULATIONS

Adopted: November 1, 1999

- A. Leaves and yard waste shall not be mixed with any household waste or trash, nor any toxic or hazardous materials.
- B. Leaves and yard waste shall not be set out with regular household trash for collection.
- C. Leaves and yard waste may be composted on the property on which it was generated or;
- D. Taken to a Town designated site for disposal.

4: AMENDMENT TO TRAFFIC ORDINANCE (Curbcut or Driveway Permit)

Adopted: November 23, 2009

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