TOWN OF EGREMONT GENERAL BYLAWS
May 3, 2017

BYLAW 1

Section 1: Attested copies of all Town Meeting Warrants shall be posted by the Town Constable or other person so designated by the Board of Selectmen, in four (4) public places or more, within the Town, for at least fourteen (14) days before the holding of said meeting, or to take any other action relative thereto.

Section 2: The Selectmen shall place in the local newspaper a synopsis of the warrant for any special town meeting at least fourteen (14) days before the date of said meeting and copies of the warrant shall be available to the public at the place of said meeting.

Section 3: Articles in the Warrant shall be acted upon in the order in which they stand, unless the meeting shall direct otherwise by majority vote. No article shall be prejudiced by such action.

Section 4: The presence of sixty (60) voters at a Town Meeting for the transaction of business shall constitute a quorum, except for a motion to adjourn, for which no quorum shall be required. The number of persons constituting a quorum may only be altered at an Annual Town Meeting.

Section 5: All motions at a Town Meeting shall be reduced to writing if so requested by the Moderator or any legal voter.

Section 6: Any vote to raise and appropriate money by issuing bonds or notes of the Town except as provided in Section 17 of Chapter 44 of the General Laws and amendments thereto and any vote concerning a raise in the limit of indebtedness of the Town hereafter taken shall be acted upon at any annual town meeting or special town meeting in the warrant for which such article or articles appear by written secret ballot.

Section 7: All boards and committees shall, within one week after election or appointment, elect a chairperson and secretary, and give notice of such election to the Town Clerk.

Section 8: The Selectmen shall annually, by December 1 after the close of the preceding fiscal year, cause to be distributed among the taxpayers of the Town, a detailed report in print of all money received into and paid out of the Town Treasury during that preceding fiscal year, which report shall be examined and approved by the Auditor before it is printed. The Selectmen shall also publish in said report such information and recommendations as they may deem proper.

Section 9: Per a vote of Town Meeting on May 31, 1973 it was designated that the first Tuesday of May is the date of the Annual Town Meeting and the second Tuesday in May is the date of the Town Election.

BYLAW 2

The Selectmen have the full authority as agents of the town to institute and prosecute suits in the name of the town, and to appear and defend suits brought against it, unless it is otherwise specially ordered by a vote of the town. They may, with the advice of counsel, settle any compromise suits or claims where the settlement shall not call for payment of more than three hundred ($300.00) dollars.

BYLAW 3

Section 1: All articles in any warrant shall be referred to and considered by the Finance Committee for its recommendations. Said committee shall be constituted as follows: six voters to be appointed by the moderator within seven (7) days after the annual town elections, none of whom shall hold any other town office, two to serve for a term of one year, two to serve for a term of two years, and two to serve for a term of three years, or until their successors are chosen. Successors shall be chosen by a majority vote of a committee within twenty-one (21) days after the Annual Town Elections. Said committee shall consist of two Selectmen chosen by the Selectmen, two of the remaining members of the Finance Committee, chosen by the Finance Committee, and the Moderator. Said committee shall not contain the same two Selectmen or the same two Finance Committee members in successive years. Chairperson of said committee shall rotate between a Selectman, a Finance Committee member, and the Moderator in successive years. Vacancies shall be filled as soon as possible in the same manner as are successors. Any member appointed to the committee in accordance with the foregoing sentence shall serve for the unexpired portion of the term of the member whom he is replacing.

Section 2: It shall be the duty of the Finance Committee to investigate the cost of maintenance of the different departments of the Town, and they shall recommend in detail the amounts to be appropriated for each department for the ensuing year.

Section 3: The committee shall have authority to summon before it for such information and investigation as it shall deem necessary, any of the Town officials and reports, for such examination considered by it necessary to the proper discharge of its duties.

BYLAW 4

Except as provided in Massachusetts General Laws, Chapter 101, Section 17 and Section 22, no person shall act as a door-to-door hawker, peddler, or transient vendor within the Town of Egremont without having obtained a license for such purposes from the Select Board.

The penalty for violation of this bylaw shall be a fine of $20.00 for each violation. Each day such violation continues shall constitute a separate violation. The enforcing agent shall be the Police Department.

BYLAW 5

Section 1: The Selectmen shall annually within thirty (30) days following the annual election appoint a minimum of five (5) and not more than seven (7) registered voters of the town to serve as a municipal Council of Aging in accordance with the provisions of Section 8B of Chapter 40 of the General Laws.

Section 2: The Council shall organize by choosing from its membership a chairman and clerk of said Council.

Section 3: The Council shall submit an annual report to the town meeting and furnish copies to the State Commission on Aging.

Section 4: The Council may appoint such clerks and other employees as it may require.

Section 5: The Council shall coordinate and carry out programs designed to meet the problems of the aging in cooperation with programs of the State Commission on Aging as established by Section 73 of Chapter 5 of the General Laws.

BYLAW 6

Section 1: No boat propelled by an engine of more than ten (10) horsepower shall be operated on Prospect Lake in said Town.
Section 2: A Harbor Master, to enforce state and local regulations, including the provisions of this Bylaw, is to be appointed annually by the Selectmen as of July 1 each year.
Section 3: Any vessel propelled by internal combustion engine shall not exceed a speed of 10 m.p.h. on the waters of Prospect Lake.
Section 4: No vessel propelled by internal combustion engine shall be operated on Prospect Lake at any time before sunrise nor after sunset, except for emergencies or with written permission of the Harbor Master.
Section 5: Disposal of waste of any type is strictly prohibited by Bylaw and in State law within or upon the waters and waterways of the Town.
Section 6: The fine for each offense shall be $50.00 payable to the Town of Egremont. Other offenses under M.G.L. Chapter 90B shall be fined, subject to the decision of the Harbor Master, who will enforce the provisions of such Chapter 90B for the Town.

BYLAW 7

The Board of Selectmen shall require all applicants for appointments as full-time Town employees to be appointed on the basis of their qualifications and shall compile a job description for each such appointment.

BYLAW 8

A. Any person owning and keeping an unlicenced dog within the Town shall, under the provisions of Section 141 of Chapter 140 of the General Laws and amendments thereto, be subject to a fine of twenty-five dollars ($25.00), which fine shall be in addition to the applicable licensing fee as prescribed by law.
B. Any person owning or keeping a dog within the Town in violation of a muzzling and/or restraining order issued by the Board of Selectmen of the Town and in effect at the time under the provisions of Section 167 of Chapter 140 of the General Laws shall be subject to a fine of fifteen dollars ($15.00)for the first offense and twenty-five dollars ($25.00 for the second offense.
C. Whenever a complaint is sought in District Court for a second or subsequent violation under the provision of Section 173 of Chapter 140 of the General Laws, the fines set forth in Section 173A of said Chapter 140 shall apply.

BYLAW 9

Section 1: Definitions--As used in this by-law, the following terms shall have the meanings indicated:
1.1 **Alarm Systems**--Any alarm device, whether police, fire or medical, which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency, including alarm signals transmitted to privately operated alarm monitoring companies.

1.2 **False Emergency Alarm**--Any signal actuated by an emergency alarm to which the Police or Fire Department responds which is not the result of fire, holdup, robbery, or other crime emergency.

1.3 **Police Emergency Number**--Any telephone number designated by the Chief of Police as a telephone number through which members of the public or alarm monitoring company may report an emergency or request public assistance.

Section 2: **Dialing Devices**--No person shall use, operate or install any alarm system without a permit issued by the Board of Selectmen. Any system installed on or after the effective date of this by-law must comply with this by-law. Pre-existing installations must comply within six (6) months of the effective date of this bylaw.

Section 3: **Delay**--Upon the activation of a burglary (break-in) alarm there shall be a mandatory delay of at least fifteen seconds before the transmission of a signal/call to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robbery (hold-up), fire or medical emergency alarm.

Section 4: **Timing Device**--The user of every alarm system shall, at the time such system is installed, or within six (6) months of the effective date of this bylaw in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than fifteen (15) minutes.

Section 5: **Filing requirements**

5.1 The user of every alarm system maintained in the town, except those installed in motor vehicles, shall within ten (10) days of installation thereof or within sixty (60) days of the enactment of this bylaw, file the following information with the Selectmen's Office of the Town of Egremont:

5.1a Name, address, and phone number of the property owner.

5.1b Type of alarm system.

5.1c Street address and the nearest cross street of the building which houses the alarm.

5.1d In the case of commercial premises, the name, address, and telephone number of an authorized representative and/or an alternate who will be able to respond when called by Police to deactivate the alarm system, if necessary.

5.1e In the case of a private residence, the name, address, and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system.

Section 6: **Permit; Fee; Revocation.**

6.1 The Board of Selectmen is hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the town to operate, maintain, install or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued.

6.2 The Board of Selectmen shall charge an annual fee of twenty-five dollars ($25.00) for the issuance of such permit.

6.3 A permit issued pursuant to this bylaw may be revoked at any time or from time to time by the Board of Selectmen upon giving of ten (10) days' notice in writing, by registered or certified mail, to the permittee, sent to the address shown on the permit. The violation of this bylaw shall constitute grounds for the revocation of the permit.

Section 7: **False Alarms**--After the issuance of a permit, a fee will be charged for responses to the building/residence for any false alarm, including an alarm malfunction or an accidental alarm, based on a responding officer's determination. When responding to such an alarm, a fee of fifty dollars ($50.00) will be charged for the second response, one hundred ($100.00) for each subsequent response. After the third response within a twelve-month period, the permit may be revoked by the

Board of Selectmen, and the alarm system disconnected, until the alarm system has been re-certified by a reputable installer of alarms. All such alarm fees will be payable to the Town of Egremont.
Section 8: **Disconnection--**In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the time limitation specified in Section 4 above, the Town shall have the right to take such action as may be necessary in order to disconnect any such alarm.
Section 9: **Penalties for Offenses--**Any person operating an alarm system without a permit from the Board of Selectmen violates the provision of this bylaw and shall be subject to a fine of fifty dollars ($50.00) for each offense. Each subsequent month shall constitute a new violation and an additional fine of fifty dollars ($50.00) shall be assessed to anyone who has not paid the permit fee. If, after six months since the first billing date, the fees and fines remain unpaid, the Town will revoke the alarm permit and take action to have the alarm system disconnected and a new installation application must be made by a certified alarm installer and fees and fines paid before reconnecting the alarm.

BYLAW 10

The town, in order to recycle as much as possible of solid waste generated within the Town, authorizes the Selectmen to enact rules and regulations to require everyone disposing of solid waste at a Town facility to separate recyclable material from their solid waste and to dispose of such recyclable material in designated areas so that it may be recycled.
For the purpose of this bylaw, the term "recyclable" shall mean: glass, paper, and metal, as well as other material the Selectmen may determine can be recycled. The Selectmen may set a fine not to exceed $100.00 for each violation of this bylaw.
All bylaws, rules, and regulations or other documents inconsistent with the provisions of this bylaw are hereby repealed to the extent of the inconsistency.
This bylaw and the various parts, sentences, or clauses thereof are hereby declared to be severable. If any part, sentence, or clause is adjudged invalid, it is hereby provided that the remainder of this bylaw shall not be affected thereby.
The Selectmen shall have the authority to add, alter or delete items to be separated as markets for recycled goods change.

BYLAW 11

Tag sales and sales of similar nature within the Town of Egremont will be allowed at any location, by permit from the Board of Selectmen. The fee will be set by the Board of Selectmen.
Up to three tag sales at the same location and/or by the same person will be permitted in one calendar year with the fees increased for each successive sale. Permits must be applied for 14 days prior to the sale and shall not be advertised prior to obtaining a permit. Violators of this bylaw shall be subject to a fine of $50.00.
All posted signs, notices, posters, etc., advertising a tag sale and sales of similar nature must be removed within 24 hours of the closing of said sale. Violators of this Bylaw shall be subject to a fine of $10.00 per day.

BYLAW 12

The Board of Selectmen is authorized to initiate proceedings for the non-criminal disposition of violations of Town By-laws or any rules or regulations of any municipal officials, boards or departments, the violation of which is subject to a special penalty. The procedures set forth in MGL Chapter 40, Section 21D are hereby adopted for said non-criminal disposition of violation.

BYLAW 13

A swimming pool, whether above or below ground, whether public or private, is subject to the following requirements:

A. A pool permit obtained through the Building Inspector shall require that all pools be surrounded by at least a 4-foot-high fence, rigidly held in place, constructed of or faced with (i.e. on the outside) a wire mesh fence having openings no greater than 3" in diameter, with a safety latch on the gate to help prevent accidental drowning. All other types of fencing designed to prevent young children from climbing over or crawling under and/or through may be allowed at the discretion of an with the permission of the Building Inspector.

B. All above ground pools must have detachable ladders and/or platforms, that are removed when pool is not in use. There shall not be any permanent attached access to the pool.

C. All public and semi-public pools hall be regulated by the Mass. State Building Code Article 6, Section 625.0

D. Pre-existing pools must comply within twelve (12) months of the effective date of this bylaw. (February 24, 1992 effective date.)

E. Violators of this bylaw shall be subject to a fine of $50.00 a day.

BYLAW 14

A. Numbers for each dwelling, each apartment, and each business, and other buildings in the Town of Egremont shall be those assigned
in accordance with the street number survey by the Egremont E 9-1-1 Coordinator.

B. It shall be the responsibility of each property owner in the town to obtain and install the number or numbers assigned to the affected structure or structures within ten (10) working days of the assignment.

C. The owner of the property seeking a building permit for a new building or structure shall apply for and receive such a building number designation or numbers from the 9-1-1 Coordinator as a part of the application to the Building Inspector for a building permit and/or as a part of the application to the Road Superintendent for a driveway permit, and no permit shall be issued without designation of such building number. The numbers must be installed on the property before any construction or construction preparation begins.

D. Reflective numbers shall be placed at the main entrance to the structure; that is, on the road on a suitable support so that they are clearly visible from the street. The size of the numbers to be no less than 3 inches high, and placed no higher than six (6) feet above ground level, and no lower than 3 feet above ground level, and for structures begun after July 1, 2002 no lower than 42 (forty-two) inches above ground level.

E. This Bylaw shall be enforced by the Board of Selectmen of the Town of Egremont, either directly

or through an enforcer to be appointed by them. Failure to comply with this Bylaw shall subject the offending property owner to a fine not exceeding ten dollars ($10.00) per day after proper notification of failure to such owner. All residents shall have 3 months from the date of inception of this bylaw to comply.

BYLAW 15

A. Prior to construction of a tennis court, written application for a tennis court permit shall be made to the Building Inspector, said application to include the name of the property owner and the location of the proposed tennis court indicated on a plot plan.
B. The Building Inspector shall, within 30 days of receipt of the aforesaid application, determine whether said proposed tennis court conforms to all applicable regulations and, if so, shall issue a tennis court permit within said 30 days.
C. No construction of the proposed tennis court shall occur unless a tennis court permit shall have been issued.
D. Upon issuance of a tennis court permit, the Building Inspector shall simultaneously forward a copy of said permit to the Board of Assessors.
E. The owner of a tennis court pre-existing the date of acceptance of this Bylaw by the Attorney General of Massachusetts must inform the Assessors of the tennis court's existence within 30 days following said date.
F. Failure to comply with this Bylaw shall subject the offending violator to a fine not exceeding fifty dollars ($50.00) per day after proper notification of failure to such violator.
G. This Bylaw shall be enforced by the Town Building Inspector.

BYLAW 16

A. Definitions;

Tax Collector - The municipal official responsible for records of all municipal taxes, assessments, betterment and other municipal charges.

Licensing Authority - Any department, board, commission or division that issues local licenses or permits of any kind, including renewals and transfers.

Party - Any person, corporation or business enterprise.

B. The Tax Collector shall annually furnish to all municipal Licensing Authorities a list of any parties that have neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges for a period of not less than twelve (12) months, provided 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. With the exception of licenses and permits specified in Subsection E of this Bylaw, 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, and said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.
Before any such denial, revocation or suspension, however, written notice shall be given to the Party

by certified mail, return receipt requested, and to the Tax Collector, both in accordance with applicable provisions of law, and the Party shall be given a hearing, to be held not earlier than fourteen (14) days after receipt of said notice. For the purposes of this section, said notice shall be deemed received on the return receipt. In the event the Party fails or refuses to accept said written notice and/or the return receipt is unsigned or undated, the notice shall be deemed to have been received on the third business day following the date of mailing, as determined by the postmark or other evidence.

The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from 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 License Authority receives a certificate issued by the Tax Collector certifying that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges, payable to the Town of Egremont as of the date of issuance of said certificate.

D. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

E. The Board of Selectmen, upon written request, may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of Chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

Notice of the public hearing shall be posted on the principal bulletin board in the Town Hall not less than seven (7) days before the hearing and shall be advertised in a newspaper of general circulation within Egremont once each in two succeeding weeks, with the date of first publication not less than fourteen (14) days before the date of the hearing.

F. This Bylaw shall not apply to the following licenses and permits:

1. Open burning (MGL Ch.48, Sect.13)
2. Bicycle permits (MGL Ch.85,Sect.11A)
3. Sales of articles for charitable purposes (MGL Ch.101, Sect.33)
4. Children work permits (MGL Ch.149,Sect.69)
5. Clubs, associations dispensing food or beverage licenses (MGL Ch.140,Sect.21E)
6. Dog licenses (MGL Ch.140,Sect.137)
7. Fishing, hunting, trapping licenses (MGL Ch.131,Sect.12)
8. Marriage licenses (MGL Ch.207, Sect.28)
9. Theatrical events, public exhibition permits (MGL Ch.140, Sect.181)

BYLAW 17

ACCESS TO PUBLIC WAYS

I. Definitions (for the purpose of this Bylaw only)

Abutting property owner: a person or entity owning property bordering on a way.

Driveway: a driveway, private road, logging road, temporary access for construction, logging or testing, and other privately owned vehicular access to and egress from a way; excluding temporary access when no excavation is performed or fill added.

Public Way: a way laid out by a public agency, or dedicated to public use or laid out for public use or used and maintained as a public way.

Way: any public way which is not subject to G.L. Ch. 81, S. 21 (state curb cut permit).

II. Purposes

A. To provide maximum protection to the public through the orderly control of traffic moving onto and from a way;

B. To provide a uniform practice in the design and construction of entrances and exits;

C. To provide the necessary drainage.

III. Permits

Any abutting property owner desiring to gain access to a way or desiring to alter, change or close an existing driveway shall do so only in accordance with the provisions of a permit issued by the Board of Selectmen.

A. Application

Before beginning construction, the abutting property owner or his duly authorized agent shall make written application, on forms available at the Town Hall, to the Highway Superintendent, including a plan showing:

1. Any driveway that is to be created, altered or closed; and
2. details on drainage.

The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features. The application shall also describe the effect on traffic. A fee of $50.00 shall be paid to the Town of Egremont when the application is submitted to the Highway Superintendent.

B. Processing of applications by the Highway Superintendent

The Highway Superintendent shall examine the application in order to determine if it conforms to sound design requirements, including those listed in Section V below. He shall make a recommendation to the Board of Selectmen within ten (10) days after receipt of the written application, setting forth conditions that he deems reasonable.

C. Action by the Board of Selectmen

The Board of Selectmen shall issue or deny a permit within ten (10) days after receiving a recommendation from the Highway Superintendent. The permit may set forth conditions which the Selectmen deem reasonable. The denial shall give reasons; it may contain suggestions for a revised application.

IV. Design requirements

A. The Highway Superintendent shall consider the requirements of the State DPW Manual on Uniform Traffic Control Devices, but shall modify these to accord with:

1. local conditions;
2. compatibility with local road design; and
3. size of the proposed project.

B. Driveways shall be located to the best advantage with regard to alignments with the way,

profile, sight distance conditions and the like. A leveling area shall be provided at the edge of the way sufficient for safe access on to the way. Unless conditions require it, a driveway should not be located at the extreme edge of a property.

C. No more than two driveways shall normally be allowed for any property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.

D. Driveways shall not normally be approved at intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.

E. Culverts taking the place of roadside ditches shall have a diameter of not less than 15 inches. A larger diameter may be required.

F. The elevation of driveways at the point of entry into the public right of way should be no more than the elevation of the shoulder of the road.

G. Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.

H. In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

I. Individual driveways should not be less than eight (8) feet nor more than sixteen (16) feet in width within the Town right of way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.

J. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the sideline of the Town right of way with a pitch of at least one-quarter inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one inch (1") per foot, unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversion for driveways having a pitch of less than one inch (1") per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

K. Driveways should be located to the best advantage to alignment with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.

V. Exceptions

No permit shall be required for:

A. driveways already in existence, except for significant alterations; and

B. driveways reviewed by municipal boards under other existing regulations or bylaws.

VI. Continuing responsibility of owners

Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this regulation. Driveways already in existence on the effective date of this regulation shall be maintained by the abutting property owners in their best pre-existing condition.

VII. Waiver

Strict compliance with the requirements of this regulation may be waived by the Board of Selectmen when in the judgment of the Board such action is in the public interest and not in opposition to the intent of the regulation.

VII. Violations

The penalty for violation of this Bylaw shall be a fine of $300.00 for the first violation. Upon notification the owner shall have 60 days to correct said violation; if not corrected a $100.00 per day fine will be imposed. The enforcing agent shall be the Zoning Enforcement officer.

BYLAW 18

The Office of the Treasurer/Collector, shall pay all fees received by said officer by virtue of said officer's office to the town treasurer for deposit into the General Fund of the Town, as allowed under M.G.L. Chapter 40, Section 21, Clause 13. (effective 8/29/98)

BYLAW 19

All septic systems which rely on "Tight" tanks must have installed an alarm system which is triggered when the tank is 65% full and a 2nd alarm system which automatically shuts off water supply to the house when the waste water level reaches 90% of the tank's capacity.

BYLAW 20

SELECT BOARD TERMS OF OFFICE: In May, 1999, one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, beginning with the election in May, 2000, and each year thereafter, each expiring term shall be filled by a three year term.

BYLAW 21
Right-to-Farm

Section 1 Purpose and Intent

The Town of Egremont finds that farming is an essential and valued activity, which provides fresh food, clean air, economic diversity, local employment, and open spaces to all the citizens of our town. This bylaw is intended to encourage the pursuit of agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Egremont. The purpose is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This bylaw shall apply to all jurisdictional areas within the Town.

This bylaw restates with emphasis the right to farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the Constitution and General Laws and Regulations, including but not limited to Article 97, of the Constitution, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: (The Zoning Act) Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section 1A.

Section 2 Definitions

"Farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. "Farm" shall include youth related agricultural activities, such as but not limited to 4-H.

"Farming" or "agriculture" shall include, but not be limited to the following:

* Farming in all its branches and the cultivation and tillage of the soil
* Dairying
* Orchards
* 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, sheep, goats, swine, cattle, ratites (such as emus, ostrich and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals

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

* Operation and transportation of slow-moving farm equipment over roads within the Town
* Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals
* Application of manure, fertilizers and pesticides
* Conducting agriculture-related educational and farm-based recreational activities, including agritourism, 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
* On-farm relocation of earth and the clearing of ground for farming operations
* Revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenating and maintaining pastures and
* Herding of livestock from area to area, including along roads

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Egremont. 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 agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, consideration shall be given

to both traditional customs and procedures, as well as to new practices and innovations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land. The protections contained in this by-law do not replace any applicable zoning or legal restrictions associated with agricultural operations.

Section 4 Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Egremont requests selling landholders and/or their agents (and assigns) to provide written notice to prospective purchasers substantially as follows:

> "It is the policy of the Town of Egremont 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 that the property they are about to acquire 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. Purchasing, and henceforth occupying land within Egremont means that one should expect and accept such conditions as a normal and necessary aspect of living in Egremont."

Written notification may occur in one of several ways including but not limited to a disclosure form, addendum to a Purchase and Sale Agreement and should include an acknowledgment by the buyer that they have received notification.

Within 30 days after this by-law becomes effective the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this by-law becomes effective, The Board of Selectmen shall prominently place in the Town Hall the above disclosure.

Within 30 days after this by-law becomes effective the Tax Collector shall include a copy of the above disclosure with responses to requests for Municipal Lien Certificates.

Section 5 Resolution of Complaints

Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer. Such person may, notwithstanding pursuing any other available remedy, request resolution assistance from the Board of Selectmen. Such a request does not suspend the time within which to pursue any other available remedies. The Board of Selectmen may appoint a panel of at least three individuals, to include representation from farmers, or refer such request to an Egremont Agricultural Commission, should one exist. Said panel or Agricultural Commission shall review and facilitate the resolution of such a request, and report its recommendations to the Board of Selectmen within the agreed upon time frame.

Section 6 Severability Clause

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

Agricultural Commission

There shall be an Agricultural Commission to address agricultural matters and represent agricultural

interests in the Town of Egremont.

The mission of the Egremont Agricultural Commission shall be to:

* Encourage the pursuit of agriculture in the Town, both as a business and as a community resource
* Promote the protection and preservation of farms and farmland
* Promote agricultural-based economic opportunities
* Articulate agriculture-related planning needs
* Advise other Town Boards and commissions on activities pertaining to agricultural lands in Town
* Act as an educator and negotiator in agricultural matters
* Promote the visibility and vitality of farming in Egremont

The Commission shall consist of five members appointed by the Board of Selectmen. At least three of the members shall be actively engaged in agriculture, and the remainder shall be interested in agriculture. The diversity of agriculture in Egremont shall be recognized in choosing the Commission members. The initial terms for the first members of the Commission shall be three years for two members, two years for two members, and one year for one member. Thereafter, the term of each member shall be three years. Vacancies shall be filled by the Board of Selectmen in such a manner as to maintain the cycle of appointments, based on the recommendations of the Commission.

BYLAW 22

All Town of Egremont property tax payers have the same right to speak at the Town's Annual Meeting and all other town meetings as those who are registered to vote in the Town of Egremont, subject to the right of the Egremont Town Moderator to maintain order at Town Meetings.

BYLAW 23

STRETCH ENERGY CODE

"Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereof, a copy of which is on file with the Town Clerk.

BYLAW 24

DEPARTMENTAL REVOLVING FUNDS

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

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law

without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

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

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

5. Authorized Revolving Funds. The Table establishes:

A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,

B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

D. The expenses of the program or activity for which each fund may be used,

E. Any restrictions or conditions on expenditures from each fund;

F. The fiscal years each fund shall operate under this by-law.

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Fiscal Years
French Park	Board of Selectmen and Buildings & Grounds	Donations received for use of the park	Expenses to operate the park	No wages	Fiscal Year 2019 and subsequent
Home Compost Bins	Board of Selectmen and Sustainability Coordinator	Proceeds from sale of bins	Purchase of new bins to replenish supply		Fiscal Year 2019 and subsequent

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Fiscal Years
Zoning Board of Appeals	Zoning Board of Appeals	Special permit application fees	Expenses associated with special permit applications/ hearings (advertising, mailings)	No wages	Fiscal Year 2019 and subsequent
Dog License & donations fund	Town Clerk	Fees charged for licensing of dogs & donations for use of Dog Park	Purchase of dog licenses, expenses related to issuing dog licenses, fees to Town Clerk, expenses at dog park (i.e poop removal, fence repairs, etc.)	No wages	Fiscal Year 2019 and subsequent
Inspector Wages	Wiring, Plumbing & Gas Inspectors	Fees charged and received by the inspectors for electrical, gas and plumbing inspections	Salaries or wages of inspectors performing electrical, gas and plumbing inspections and other serviced related to those inspections	Does not include Building or Health Inspectors or their expenses	Fiscal Year 2019 and subsequent
Composta ble Materials	Green Committee and Sustainability Coordinator	Charges for selling compostable materials	Purchase of new compostable materials: plates, cups, plastic wear, table covers, etc.	No wages	Fiscal Year 2019 and subsequent
Recycling Proceeds	Board of Selectmen and Sustainability Coodinator	Proceeds from sale of containers, papers, metals	Expenses related to trash and recycling programs. Purchase of equipment related to trash and recycling programs.		Fiscal Year 2019 and subsequent
Planning Board	Planning Board	Special permit application fees	Expenses associated with special permit applications/ hearings (advertising, mailings)		Fiscal Year 2019 and subsequent
French Park Dog Park	Board of Selectmen and Trustees of French Park	Donations from users of the dog park	Expenses related to the dog park: repairs, poop removal, containers	No wages	Fiscal Year 2019 and subsequent