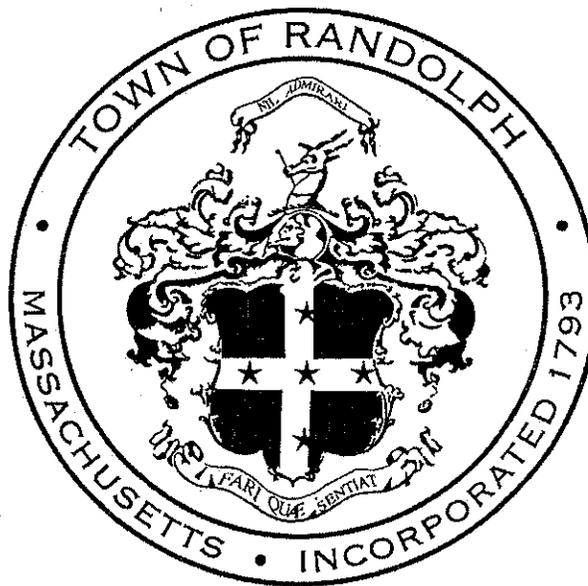


GENERAL BYLAWS



**TOWN OF
RANDOLPH
MASSACHUSETTS**

Revised Thru April 25, 2006

**TOWN OF
RANDOLPH
MASSACHUSETTS
GENERAL BYLAWS
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GENERAL BYLAWS
TOWN OF
RANDOLPH
MASSACHUSETTS

CHAPTER 1
GENERAL PROVISIONS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 1-1. TIME LIMIT FOR PROSECUTION OF VIOLATIONS.

All complaints and prosecutions for breach of these bylaws shall be instituted and commenced within sixty (60) days, unless otherwise provided, from the time of committing such breach.

§ 1-2. WHEN EFFECTIVE.

These bylaws shall take effect from and after their adoption by the town, approval by the Attorney General and publication, as provided by law.

§ 1-3. REPEALER.

Upon adoption by the town, approval by the Attorney General and publication as may be provided by law of these bylaws, all previous bylaws now or heretofore in force shall become null and void, except for the following, which are specifically saved from repeal:

- A. Any vote of the town, bylaw or other action establishing or amending Classification, Salary, Wage and Miscellaneous Compensation Schedules is not hereby repealed.
- B. While an effort has been made to locate and identify every preexisting bylaw of the town, any bylaw which, having been overlooked or undiscovered as an originating source bylaw for this recodification, is not specifically listed in the schedule entitled "General Code Publishers Corporation Table of Source Sections or Distribution of Legislation List," on file with the Town Clerk, is not hereby repealed and shall instead continue in full force and effect until further action of the town.
- C. In the event that the Attorney General disallows any bylaw, section, line or sentence of this recodification, then the preexisting corresponding source bylaw as listed in the schedule entitled "General Code Publishers Corporation Table of Source Sections or Distribution of Legislation List," as on file with the Town Clerk, shall not be hereby repealed and shall continue in full force and effect until further action by the town.

§ 1-4. GENERAL PENALTY.

The penalty for breach of any bylaw, unless otherwise provided for therein, shall be a fine not exceeding the sum of twenty dollars (\$20.). The penalty provided for herein shall be applicable to all town bylaws which do not otherwise provide for a penalty.

§ 1-5. AMENDMENT OF BYLAWS.

These bylaws may be amended at any Annual Town Meeting, an article having been inserted for such purpose in the warrant for such meeting, said amendment to take effect when approved by the Attorney General and published according to law.

§ 1-6. NONCRIMINAL DISPOSITION.

- A. Statutory authority. Pursuant to MGL C. 40, § 21D, and MGL C. 140, § 173A, the bylaws of the town or any rule or regulation of the town's officers, boards or departments, the violation of which is subject to a specific penalty, may be enforced in the manner specified in this section.
- B. Notice to be served. Any person taking cognizance of a violation of a bylaw, rule or regulation which he/she is empowered to enforce (hereinafter referred to as the "enforcing person"), as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged and the time and place for his/her required appearance. Such notice shall be signed by the enforcing person and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.
- C. Delivery and mailing. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or his/her commanding officer or the head of his/her department or by any person authorized by such commanding officer or department head, to the offender's last known address, within fifteen (15) days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.
- D. Copies of notices to be kept. At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his/her commanding officer or department head those copies of each notice of such a violation he/she has taken cognizance of during such tour which have not already been delivered or mailed by him/her as aforesaid. Said commanding officer or department head shall retain and safely preserve one (1) copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of the court before which the offender has been notified to appear.
- E. Final disposition. Any person notified to appear before the Clerk of a District Court as hereinbefore provided may so appear and confess the offense charged either personally or through a duly authorized agent or by mailing to the Town Clerk of the Town of Randolph, together with the notice, such specific sum of money not exceeding three hundred dollars (\$300.) as the town shall fix as penalty for violating the bylaw, rule or regulation. Such payment shall, if mailed, be made only by postal notice, money order or check. Upon receipt of the notice, the Town Clerk shall forthwith notify the District Court Clerk of such payment, and the receipt by the District Court Clerk of such notification shall operate as a final disposition of the case. The case shall be governed by the provisions of MGL C. 40, § 21D.

CHAPTER 4 AUDIT, ANNUAL

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 4-1. SUPERVISION.

There shall be an annual audit of the town's accounts under the supervision of the Director of Accounts of the Department of Revenue, in accordance with the provisions of MGL C. 44, § 35.

CHAPTER 9

BOARDS, COMMITTEES AND COMMISSIONS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES

- Finance Committee — See Ch. 17.
- Landscape Review Board — See Ch. 27. (Deleted Art. 4, 11-1-1999)
- Planning Board — See Ch. 42.
- Board of Recreation — See Ch. 53.
- Board of Selectmen — See Ch. 61.
- Water Commissioners — See Ch. 68.

ARTICLE I

Terms of Office

§ 9-1. COMMITTEE MEMBERS.

- A. Unless otherwise authorized by the Massachusetts General Laws, the term of office of any member of a standing committee designated by a town meeting shall be no more than five (5) years.
- B. Unless otherwise required by direction of the town meeting or by state statute or by the requirements of a bond issue, the term of office of a member of a committee shall be one (1) year.

Community Preservation Committee

9-2.1

The Randolph Community Preservation Committee is established consisting of nine members pursuant to Chapter 44B of the General Laws of the Commonwealth.

9-2.2

The Randolph Community Preservation Committee shall be appointed by the Board of Selectmen and shall consist of one member each from as follows:

For an initial term of three years and thereafter upon reappointment for terms of three years, or so long as such designee remains a member of such Committee or board, one member of the Randolph Conservation Commission as designated by the Conservation Commission, one member of the Historical Commission as designated by the Historical Commission, and one member of the Randolph Planning Board as designated by the Planning Board. One member is to be a Randolph resident, chosen by the Board of Selectmen from those designated or nominated by the Randolph Chamber of Commerce, and one member is to be a Randolph resident appointed by the Board of Selectmen from the Randolph business community defined as those who own or operate a business within the limits of the Town of Randolph.

For an initial term of two years and thereafter upon reappointment for terms of three years, or so long as such designee remains a member of such commission or board, one member of the Recreation Commission as designated by the Recreation Commission; one member of the Randolph Housing Authority as designated by the Housing Authority.

For an initial term of one year and thereafter for a term of three years, one member from the community.

For an initial term of one year and thereafter for a term of three years, or so long as such designee remains a member of such board, one member of the Board of Selectmen as designated by the Board of Selectmen.

9-2.3

The Randolph Community Preservation Committee shall study the needs, possibilities, and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards and hold one or more public informational hearing(s) yearly on the needs, possibilities and resources of the town regarding community preservation. This meeting shall be publicly posted for each of two weeks preceding a hearing in the local newspaper.

9-2.4

The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space, for the acquisition, preservation, rehabilitation, and restoration of historic resources, for the acquisition, creation, and preservation of land for recreational use, for the creation, preservation, and support of community housing and for the rehabilitation or restoration of open space, historical resources, land for recreational use, and community housing that is acquired or created as provided in the Community Preservation Act. With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

9-2.5

The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes consistent with the community preservation act.

(Adopted 4-25-2006 Annual Town Meeting, approved 10-18-2005)

9-2.6

Applications for exemption from the Community Preservation Act Surcharge must be filed with the Office of the Board of Assessors no later than three months after issuance of the actual real estate tax bill.

(Added 2-25-06 ATM, Art. 4 approved 10-17-06)

CHAPTER 12 TREASURER

§12.1. REDEMPTION OF TAX TITLE REAL ESTATE.

- A. Pursuant to the provisions of G.L.c. 60 § 62A, the Treasurer of the Town of Randolph ("Town") may enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes. The Agreement shall be executed by the Town and Redeemer and shall set forth the terms and conditions for payment of the delinquent taxes interest and any other costs, fees or charges associated with same.
- B. The Redeemer of the following assessment categories of real property shall be eligible to enter into an Agreement provided for in the preceding paragraph:
 - i. Commercial Property; and
 - ii. Residential Property.
- C. The following conditions must be met prior to the Treasurer and Redeemer entering into an Agreement:
 - i. The Town has not filed a petition to foreclose the rights of redemption with the Land Court and the recording date of the Instrument of Taking recorded in the Norfolk Registry of Deeds or Norfolk Registry District of the Land Court must be no more than ten (10) years from the date of the proposed Agreement;
 - ii. All real estate taxes due for the current fiscal year assessed against the parcel must be paid to date;
 - iii. The Redeemer, at the time of execution of said Agreement, must pay to the Town a minimum of twenty five percent (25%) of the amount due to redeem the Parcel. The Redeemer must then agree to pay the remaining balance due to the Town in three equal installments over a period not to exceed three years, with one installment payment due each year.
- D. After the Town has received the initial installment and two (2) additional installment payments pursuant to the Agreement, the Redeemer shall be entitled to a credit equal to fifty percent (50%) of the accrued interest on the delinquent tax amount. This credit shall be applied against the final installment due under the Agreement.
- E. During the term of the Agreement, the Treasurer may not bring an action to foreclose the tax title of the Redeemer unless payments are not made in accordance with the schedule provided in the Agreement or timely payments are not made on other amounts due to the municipality that are a lien on the same parcel.

[Added ATM 4-25-2006, Art. 30. approved 10-17-06]

CHAPTER 17

FINANCE COMMITTEE

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Annual audit — See Ch. 4.

§ 17-1. COMMITTEE ESTABLISHED; MEMBERSHIP.

There shall be a Finance Committee consisting of nine (9) legal voters of the town, who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer, except town meeting members, or any person in conflict with the Conflict of Interest Law¹ shall be eligible to serve on said Committee.

§ 17-2. TERMS; OFFICERS; COMPENSATION; RECORDS.

- A. The Moderator shall, at the conclusion of the Annual Town Meeting of 1975, appoint sufficient members to the Finance Committee for such terms of office as will result in a total membership of nine (9), with the terms of three (3) of the total membership expiring each year. The terms of office of said members shall commence immediately upon qualification and shall expire at the close or final adjournment of the Annual Town Meeting at which their successors are appointed. Said Committee shall choose its own officers and shall serve without pay. Said Committee shall cause to be kept a true record of its proceedings.
- B. This section will be implemented in the following manner:
- (1) Two (2) members of the Finance Committee will be appointed for three (3) years by the Moderator at the conclusion of the 1974 Annual Town Meeting.
 - (2) Three (3) members of the Finance Committee will be appointed for three (3) years by the Moderator at the conclusion of the 1975 Annual Town Meeting.
 - (3) Three (3) members of the Finance Committee will be appointed for three (3) years and one (1) member of the Finance Committee will be appointed for one (1) year by the Moderator at the conclusion of the 1976 Annual Town Meeting.
 - (4) Thereafter, the Moderator will appoint three (3) members of the Finance Committee each year at the conclusion of the Annual Town Meeting, except as provided for in § 17-3.

§ 17-3. VACANCIES.

The Moderator shall fill any vacancy which may occur in the Finance Committee. If any member is absent from four (4) consecutive meetings of said Committee during a twelve-month period, except in the case of illness or other valid reason acceptable to the Committee, that member's position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the end of the term of the person that he or she is replacing.

§ 17-4. POWERS AND DUTIES.

The Finance Committee shall have authority at any time to investigate the books, accounts and management of any department of the town, and to employ such expert and other assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the town shall be open to the inspection of the Committee and/or person employed by it for that purpose. The Committee may appoint subcommittees of its members and delegate to them such of its powers as it deems expedient.

§ 17-5. SUBMISSION OF ESTIMATES TO COMMITTEE.

The various town boards, officers and committees charged with the expenditure of town money shall annually submit to the Finance Committee, not later than the first of January of each year, prepared, 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 in 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.

§ 17-6. REPORT AND RECOMMENDATIONS.

The Finance Committee shall consider all matters of business included within the articles of any warrant for a town meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. The Finance Committee shall distribute a report to each of the town meeting members at least seven (7) days in advance of a town meeting. The recommendations shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority as such.

¹ Editor's Note: See MGL C. 268A, § 1 et seq.

CHAPTER 18 FINANCES

[HISTORY: Adopted 4-16-1996 Annual Town Meeting, Art. 12, approved 7-29-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Finance Committee — See Ch. 17.

Licenses and permits — See Ch. 127.

Junk/Unregistered vehicles — See Ch. 176-3D.

§ 18-1. CERTAIN CHARGES TO BE INCLUDED AS LIENS.

The following municipal charges shall be included as liens created by MGL c. 40, § 58 to be added to and collected as unpaid real estate taxes: police alarms (Ch. 73 of the Code); fire alarms (Ch. 73 of the Code); water and sewer use charge (Ch. 192 of the Code); ambulances services (Ch. 105 of the Code); dog violations (Art. 7 of the 1994 Annual Town Meeting); dishonored checks (Art. 24 of the 1991 Annual Town Meeting). Non criminal disposition ticket fines and penalties pursuant to G.L. Ch. 40, S.21D, for violation of Board of Health Rules and Regulations Article 1 Sec. 1.2 (A).

(Amended ATM 4-25-06, Art. 32 approved 10-17-06)

§ 18-2. CREDIT CARDS AND DEBIT CARDS

The Board of Recreation is hereby authorized to enter into agreements to use credit cards and debit cards for the collection of fees for recreation programs and events for which a revolving fund has been authorized by the town. And, further, that the Board of Recreation may expend from previously authorized revolving funds such sums as necessary to pay any charges to the town in connection with the acceptance of credit cards any payments as authorized by Section 18-2 of the Code of the Town of Randolph.

[Adopted 11-2-1999, STM, Art. 73, Approved 1-31-2000]

CHAPTER 27 LANDSCAPE REVIEW BOARD - (Dissolved)

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995, Ch. 27, Sec. 27-1 through 27-5, Landscape Review Board deleted, 11-1-1999, Art. 4, approved 1-31-2000]

CHAPTER 31

MEETINGS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 31-1. ANNUAL TOWN MEETING.

[Amended 4-26-1999 ATM, Art. 19, approved 9-30-1999; Amended 6-17-2002 STM, Art. 3, approved 10-3-2002.]

The Annual Town Meeting for the transaction of business shall be held on the evening of the fourth Monday of April at 7:30 p.m., or at such other time and date as the Board of Selectmen may determine in issuing the Annual Town Meeting Warrant, commencing in the year 2003 and the annual meeting for election of officers shall be held on the first Tuesday of April at 7:00 a.m. and shall close at 8:00 p.m., commencing in the year 1987.

§ 31-2. POSTING OF WARRANT.

[Amended 4-16-1996 ATM, Art. 7, approved 7-29-1996]

A town meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant calling the same at the Town Hall, at the Town Clerk's office, at the Post Office and at eight other public places in the town at the discretion of the officer serving the warrant.

§ 31-3. PROCEDURE.

- A. The rules of parliamentary procedure, as established by practice in this town, shall govern town meetings, but no parliamentary motion shall be used for the purpose of shutting off debate on any question until the meeting has had a reasonable opportunity of hearing both sides of that question.
- B. Roberts Rules of Order Revised shall be used as the rules of procedure in town meetings.

§ 31-4. APPOINTMENT OF COMMITTEES.

The method of appointing town committees and their number shall be left to the decision of the meeting at which they are proposed, except as otherwise provided by statute or the bylaws of the town.

§ 31-5. RECONSIDERATION.

- A. No article in the warrant shall be again taken into consideration after having been disposed of, unless ordered by a vote of a majority of the voters present and voting.
- B. A motion to reconsider must be made at the same or the next immediate meeting that the Article is considered, the reconsideration to be taken up at the end of the warrant.

§ 31-6. PETITION FOR REZONING.

Any person presenting a petition to a Special or Annual Town Meeting for rezoning of an area shall make available to the town meeting members, through the offices of the Town Clerk and Town Engineer, copies of a sketch or plan of the area involved, the initial sketch or plan to be furnished by the petitioner.

§ 31-7. QUORUM.

[Amended 4-16-1996 ATM, Art. 7, approved 7-29-1996]

The presence of 126 voters at a town meeting for the transaction of business shall be required to constitute a quorum, except for a motion to adjourn, for which no quorum shall be required.

§ 31-8. REPORTS.

[Amended 11-9-1998 STM, Art. 9, approved 2-8-1999]

The Board of Public Welfare, Assessors, School Committee, Police Department, Fire Department, Highway Surveyor, Board of Health, Town Clerk, Tax Collector, Town Treasurer, Town Accountant and other boards and officers making reports shall deliver to the Selectmen their annual report prior to the 15th day of January in each year. The Selectmen shall cause these reports, together with their own report and a list of town officers and other matters usually published, to be printed and distributed to each town meeting member and department head, together with the Finance Committee report, and an additional number of copies shall be made available to the taxpayers of Randolph and other interested parties by calling at the Randolph Police Station. The Town Treasurer shall annually publish in the Annual Town Report the salaries and overtime pay of all full- time and part-time elected and appointed town employees.

§ 31-9. ARTICLES FOR CONSIDERATION.

- A. All articles for insertion in the Annual Town Meeting warrant shall be submitted to the Board of Selectmen not later than January 15, and the complete warrant shall be submitted to the Finance Committee not later than January 25.
- B. At the conclusion of each article inserted for any Annual or Special Town Meeting, the following ending, "as petitioned for by" and the name of the petitioner shall be included in the article.
- C. The maker of any article requesting any change or deletion or addition to an existing bylaw or adoption of any existing state statute must furnish to the town meeting, either by written handout at the town meeting or in the written warrant, a copy of that portion of the law to which the amendment is being made. Such portions must be sufficient to make clear the intent of the proposed change.

§ 31-10. RECORDING OF PROCEEDINGS; TRANSCRIPTS.

- A. At the Annual Town Meeting a stenotypist will take a recording of the entire proceedings and furnish transcripts thereof to the Town Clerk and other town officials.
- B. At all Special Town Meetings a stenotypist will take a recording of the entire proceedings and furnish transcripts thereof to the Town Clerk.

§ 31-11. DECLARATION OF TWO-THIRDS VOTE; CHALLENGE.

[Added 11-3-1997 STM, Art. 27, approved 2-6-1998]

Whenever a two-thirds vote is required by statute, such vote may be declared as such by the Moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven or more members of a Town Meeting may challenge such declaration, as provided for by MGL c. 39, § 15, at which time a count shall be held.

CHAPTER 36

OFFICERS AND EMPLOYEES

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES
Personnel — See Ch. 39.

ARTICLE I

Town Clerk

§ 36-1. REPORTS AND RECORDS.

The Town Clerk shall keep a file of all town reports, reports submitted by all committees chosen by the town and all original documents relating to the affairs of the town which come into the Town Clerk's custody. The Town Clerk shall suitably index all such reports and all the records of the town in the Town Clerk's custody in a manner convenient for reference and examination.

ARTICLE II

Office Hours

§ 36-2. HOURS ESTABLISHED; EXCEPTION.

The doors of the offices of all town departments shall be kept open at all times during the conduct of regular town business hours at the Town Hall from 8:30 a.m. to 4:30 p.m. for the convenience of all town residents, the only exception being the Town Clerk's office, which will close at 12:00 noon the day before any mandated election.

ARTICLE III

Town Treasurer

§ 36-3. DISPOSAL OF PROPERTY.

The Town Treasurer, with the approval of the Selectmen, shall, for the best interests of the town, dispose of all property owned by the town on account of foreclosure of tax titles.

CHAPTER 39

PERSONNEL

[Editors Note: The Personnel Bylaw is produced as a separate document, see the Personnel Office for details.]

CHAPTER 42

PLANNING BOARD

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES
Zoning — See Ch. 200.

§ 42-1. ESTABLISHMENT; TERMS OF MEMBERS.

[Amended 4-16-1996 ATM, Art. 10, approved 7-29-1996]

A board of five members is hereby established to be known as the "Planning Board." The terms of members shall be five years. There shall be elected at the Annual Town Meeting in each year such members as are necessary to fill vacancies.

§ 42-2. VACANCIES.

[Amended 4-16-1996 ATM, Art. 10, approved 7-29-1996]

Vacancies otherwise occurring in the Planning Board shall be filled as provided in MGL c. 41, § 81A.

§ 42-3. POWERS AND DUTIES.

[Amended 4-16-1996 ATM, Art. 10, approved 7-29-1996]

The duties of such Planning Board shall be such as are stated in MGL c. 41, § 81B, and, further, to consider and advise upon municipal improvements either at the request of other officials of the town or upon its own initiative. It shall consider and develop a town plan, with special attention to main ways, land developments, zoning, playgrounds and parks and sites for permanent school plants. The Planning Board shall meet at regular intervals. It may hold public meetings. It shall at all times have access to public documents or information in the possession of any town official or department. It shall examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereon as it may deem needful. It may provide for public lectures and other educational work in connection with its recommendations. It may incur expenses necessary to the carrying on of its work within the amount of its annual or special appropriations.

§ 42-4. REVIEW OF PLANS.

All plans for laying out, extending, discontinuing or changing the limits of any playground or public park and every purchase of land for the site of any public building and all plans for the location, erection or alteration of public buildings shall be submitted to said Planning Board for its opinion, at least two weeks in advance of action by the Board of Selectmen or the town.

§ 42-5. ANNUAL REPORT.

The Planning Board shall make a report to the town annually, giving information regarding the conditions of the town and plans or proposals for the development of the town and estimates of the cost thereof. Such report shall be sent to the Selectmen not later than such time in January in each year as the Selectmen may prescribe or as may be prescribed by any law in force relative to reports, and a copy thereof shall be filed with the Massachusetts Department of Public Welfare.

§ 42-6. ZONING CODE.

[HISTORY: Added 5-10-2000 ATM, Art. 4, approved 9-27-2000.]

The Randolph Planning Board is the responsible town agency to allocate the reference numbers and update the Zoning Code.

CHAPTER 45

PROPERTY, SALE OF

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 45-1. APPROVAL OR DISAPPROVAL BY TOWN MEETING MEMBERS.

On all open areas, agricultural areas or farm areas, etc., where the town has the right of first refusal on a proposed sale of the above-mentioned land, and on any land offered to the town for purchase, it shall be mandatory that, before said sale takes place, an article shall be presented to the town meeting members at an Annual or Special Town Meeting for purchase approval or disapproval by said town meeting members.

CHAPTER 48

PUBLIC WORKS, DEPARTMENT OF

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 48-1. PUBLIC HEARING ON RATE CHANGES.

The Randolph Department of Public Works shall hold a public hearing before any change is acted upon by said Department for any water, sewer or other fees, rates or charges within the jurisdiction of the Department of Public Works by virtue of Chapter 460 of the Acts of 1989. Such hearing shall be publicly advertised in local newspapers at least fourteen (14) days before such public hearing.

CHAPTER 50

PURCHASING AND CONTRACTS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 50-1. AWARD OF CONTRACTS TO TOWN OFFICIALS.

No elected or appointed member of any committee or board in the Town of Randolph shall be awarded any contract to be exercised in the Town of Randolph, the value of which is in excess of one hundred dollars (\$100.), unless said contract was open to competitive bidding.

§ 50-2. PURCHASING PROCEDURE.

Every officer or board in charge of a department and every committee of the town, when authorized to purchase any supplies or property or to do any public work or erect, construct or repair any building, in each case where the estimated cost of the entire property, work or other matter in question does or may exceed two thousand dollars (\$2,000.), shall, before letting any such contract, invite sealed written proposals or identical specifications therefor by advertising in one (1) or more newspapers published in the town, such invitation to state the time and place for opening the proposals, and reserving the right of such officer, board or committee to reject any or all proposals.

CHAPTER 53

RECREATION, BOARD OF

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Credit and Debit Card — See Ch. 18-2.

§ 53-1. ESTABLISHMENT.

Under the provisions of MGL C. 45, § 14, there is hereby established in the Town of Randolph a Board of Recreation.

§ 53-2. MEMBERSHIP.

The Board of Recreation shall consist of seven (7) persons, with staggered terms, serving without pay, who shall be appointed by the Board of Selectmen. The members must be citizens of the United States and bona fide residents of the town.

§ 53-3. TERMS OF OFFICE; VACANCIES.

The term of office shall be for three (3) years, or until their successors are appointed and qualified, except that the members of such Board first appointed shall be appointed for terms of one (1), two (2) and three (3) years, and thereafter the term of office shall expire after (3) three years. Vacancies occurring otherwise than by expiration of term shall be filled by the Board of Selectmen for the unexpired term.

§ 53-4. OFFICERS; RULES AND REGULATIONS.

Immediately after appointment the Board of Recreation shall meet and organize by electing one (1) of its members Chairperson and such other officers as may be deemed necessary. The Board shall have the power to adopt bylaws, rules and regulations to conduct and regulate recreation and the means thereof and rules to protect the rights and property vested in the town and under the control of the Board and shall have such other powers as may be necessary for the proper discharge of its duties.

§ 53-5. SUPERINTENDENT OF RECREATION.

The Board of Selectmen shall have the power to appoint a Superintendent of Recreation who is trained and properly qualified for the work and such other personnel as may be deemed necessary. Appointment of personnel shall be made in accordance with the town rules and regulations. Compensation shall be fixed by the Board of Selectmen, subject to town meeting approval.

§ 53-6. POWERS AND DUTIES.

The Board of Recreation shall provide, conduct, supervise, manage, operate, equip, maintain, construct and improve playgrounds, recreation centers, athletic fields, swimming pools, stadiums and such other recreation areas and facilities as may be approved by the Board of Selectmen. It shall have the power to conduct any form of wholesome recreation or cultural activity on any properties owned or controlled by the town, and on private property, subject to consent by the owners, and the properties of the School Committee, subject to the approval, rules and regulations of the School Committee.

§ 53-7. OFFICE; ACCOUNTS AND RECORDS.

The Board of Recreation shall establish an office and shall cause to be kept proper accounts and records of the proceedings of the Board. All accounts, records and proceedings shall be open to the public.

§ 53-8. REQUESTS FOR ASSISTANCE.

The Board of Recreation shall have the power, subject to the general control of the Board of Selectmen, to call upon any other town department for assistance in the performance of its duties; and it shall be the duty of such other departments to comply with any proper request of the Board. Any question as to what shall constitute a proper request shall be decided by the Board of Selectmen.

§ 53-9. ACQUISITION OF PROPERTY.

The Board of Recreation may, with the approval of the Board of Selectmen, take and hold, by purchase, gift or devise, real and/or personal property and receive gifts and donations, bequests to be applied, principal or income, for recreation purposes. The Board shall recommend to the Board of Selectmen the institution of condemnation proceedings whenever private property should be taken in the name of the town for the purposes of the Board.

§ 53-10. MATERIALS AND SUPPLIES.

The Board of Recreation, with the approval of the Board of Selectmen, may make contracts and shall provide, in accordance with the town rules and regulations, all necessary materials and supplies for the use of the Board, subject to Town Meeting approval.

§ 53-11. EXPENSES.

Annually in the authorized manner the Board shall transmit the estimates of the amount of money required for the purposes of the Board for the ensuing fiscal year. When approved by the Board of Selectmen, the estimates may be placed in the annual town budget and the funds appropriated for the operation and extension of the recreation system subject to town meeting approval.

§ 53-12. REPORTS.

The Board of Recreation shall submit an annual report to the governing body of the town and other reports from time to time as requested.

CHAPTER 56 REPORT, ANNUAL

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 56-1. DELIVERY.

The Annual Town Report must be delivered to town meeting members at least one (1) week before the Annual Town Meeting.

CHAPTER 61 SELECTMEN, BOARD OF

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 61-1. POWERS AND DUTIES GENERALLY.

The Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law or by the bylaws of the town, except that they shall have no control over the property and affairs of the Water Department.

§ 61-2. CONVEYANCE OF LAND OR INTEREST IN LAND.

All conveyance of land or interests in land which may hereafter be authorized by vote of the town or otherwise, except land held under tax titles, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or the bylaws of the town or by special vote of the town, and the same will be sealed with the Town Seal.

§ 61-3. ACTION ON BEHALF OF TOWN.

The Selectmen shall be the agents and attorneys of the town to prosecute, defend and compromise any and all suits in which the town may be in any manner interested as a party or otherwise, except insofar as the same relate in any manner to the water supply, and to employ counsel, if necessary.

§ 61-4. APPOINTMENT OF BOARD OF APPEALS.

[Amended 4-16-1996 ATM, Art. 10, approved 7-29-1996]

The Board of Selectmen shall appoint a Board of Appeals in conformance with MGL c. 41, § 81Z.

§ 61-5. DISPOSAL OF PERSONAL PROPERTY.

The Selectmen are hereby authorized to dispose of obsolete personal property belonging to the town, the value of any single item not to exceed \$100.

§ 61-6. DESIGNATION AS PROPER FINANCIAL AUTHORITIES.

The Randolph Board of Selectmen shall be permanently designated as the proper financial authorities in dealing with federal, state, county and municipal agencies.

§ 61-7. FORMAT OF WARRANT.

The Board of Selectmen shall set the format of the warrant.

§ 61-8. RULES REGULATING UNATTENDED VEHICLES.

The Board of Selectmen shall set rules for the prohibiting or regulating of the leaving of vehicles unattended within the limits of private ways furnishing means of access for fire apparatus to any building.

CHAPTER 68 WATER COMMISSIONERS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Water — See Ch. 192.

§ 68-1. POWERS AND DUTIES.

The Tri-Town Water Commissioners shall be the agents and attorneys of the town to prosecute, defend, compromise and settle any and all suits and proceedings in which the town may be interested, as a party or otherwise, so far as the same in any manner relates to the preserving, taking and use of the water of Great Pond or to the construction of the waterworks, either jointly or separately, as authorized under Chapter 217 of the Acts of 1885, and to employ counsel, if necessary.

CHAPTER 73 ALARM SYSTEMS

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

ARTICLE I

Police Department

§ 73-1. AUTOMATIC DIALING DEVICES.

- A. No automatic dialing device shall be interconnected to any telephone numbers at the police station, unless approved by the Police Department prior to installation, after the effective date of this Article.
- B. Within six (6) months after the effective date of this Article, all automatic dialing devices interconnected to any number at the police station shall be disconnected therefrom, with the exception of telephone dialers approved by the Police Department. The user of each device shall be responsible for having the device disconnected or approved by the Police Department.
- C. Approval of dialers by Police Department. To obtain approval of a telephone alarm dialer, the owner of the dialer alarm must certify to the Police Department that the dialer will disconnect from the phone lines automatically after the third call is made to the Police Department.

§ 73-2. DIRECT CONNECTIONS TO POLICE DEPARTMENT.

- A. Alarm systems may be connected to the alarm console in the police station by interfacing through the one (1) company maintaining the alarm console at the police station.
- B. The alarm user or alarm business contracting for servicing the alarm user's alarm system shall be responsible for obtaining the required leased telephone lines between the alarm user's premises and the alarm-receiving equipment at the Police Department and for furnishing the appropriate interface equipment, if required, to be compatible with the receiving equipment used to operate the alarm console.

§ 73-3. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS.

- A. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two (2) persons, in addition to the alarm user, who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.
- B. All alarm systems shall be equipped with a test device which will give a ten-second delay prior to alarm system activation in order to warn the alarm user of an open circuit.
- C. Within six (6) months from the effective date of this Article, all alarm systems which use an audible horn, siren or bell shall be equipped with a device which will shut off such horn, siren or bell within thirty (30) minutes after activation of the alarm system.
- D. Each alarm system user, to include also all automatic devices interconnected to any number at the police station, shall be allowed, in the course of any consecutive twelve-month period, three (3) free false alarms.
 - (1) False alarms in excess of three (3) shall be assessed the following fines:
 - (a) Fourth, fifth and sixth false alarms: twenty dollars (\$20.) for each false alarm.
 - (b) Seventh and eighth false alarms: fifty dollars (\$50.) for each false alarm.
 - (c) Ninth and 10th false alarms: one hundred dollars (\$100.) for each false alarm, with each additional false alarm to be assessed a fine of one hundred dollars (\$100.).
 - (2) System users whose false alarms total in excess of ten (10) during said twelve-month period will be subject to review by the Chief of Police or his/her designee, and if deemed abusive of the system shall be required, after proper notification, to attend a hearing to show cause why they should not be ordered to disconnect from the system totally.
 - (3) Nonpayment of fines, as herein established, will result in disconnection from the system, and reconnection will not be allowed until all fines in arrears are paid. Checks for said fines shall be made payable to the Town of Randolph.

§ 73-4. TESTING OF EQUIPMENT.

No alarm system connected to the Police Department shall be tested, worked on or demonstrated without first obtaining permission from the Police Department.

§ 73-5. VIOLATIONS AND PENALTIES.

Any alarm user who violates the provisions of this Article shall be subject to a fine of twenty dollars (\$20.) and subsequent to the third offense in a twelve-month period may be ordered by the Chief of Police to disconnect from the alarm system totally.

§ 73-6. RELEASE REQUIRED.

Any person making application for interconnection of an alarm security system to the Randolph Police Station shall, prior to said connection being made, execute a release running to the Randolph Police and the Town of Randolph.

ARTICLE II
Fire Department

§ 73-7. DEFINITIONS.

When used in this Article, unless a contrary intention clearly appears, the following words shall have the meanings indicated:

ALARM ACTUATING

Any device, such as smoke or heat detector, pull station or sprinkler flow switch, that causes the alarm to sound.

AUTOMATIC DEVICE

A fire protection device that requires no manual operation during activation.

CENTRAL STATION OPERATING COMPANY

A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the RFD the location of any such alarm which the "central station operating company" receives.

FALSE ALARM:

- A. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his/her employees or agents.
- B. Any signal or automatic dialing service transmitted to the RFD requesting or requiring or resulting in a response on the part of the RFD when a situation requiring response by the RFD does not in fact exist.
- C. For the purposes of this Article, a "false fire alarm" shall be defined to include the following:
 - (1) The operation of a faulty smoke- or heat-detection device.
 - (2) Faulty control panel or associated equipment.
 - (3) A water pressure surge in automatic sprinkler equipment.
 - (4) Accidental operation of an automatic sprinkler system.
 - (5) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant causing accidental activation of the internal fire alarm system.

FIRE ALARM CONTROL PANEL

The electrical and electronic center of a system that detects alarm conditions, sounds signals and provides power and supervisory features.

FIRE ALARM SERVICE COMPANY

A commercial firm that specializes primarily in the installation and service of fire alarm devices.

FIRE ALARM SYSTEM

Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the RFD by way of a master box.

FIRE ALARM SYSTEM OWNER

An individual or entity who or which owns the title to and/or has on his/her or its business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the RFD by way of a master box.

FIRE CHIEF

The Chief of the RFD.

FIRE WATCH

A Randolph firefighter having knowledge of fire safety rules and regulations and having the ability and knowledge to properly sound an alarm and one who tours the property being protected in the event of fire.

MANUAL DEVICE

A fire alarm pull station or other device that requires manual activation for operation.

MASTER BOX OWNER

An individual or entity who or which has, on his/her or its business or residential premises, a fire alarm system equipped to send a fire alarm signal directly to the RFD by way of a master box.

RFD

The Randolph Fire Department.

SERVICE INDIVIDUAL

An individual having extensive knowledge in the repair and maintenance of fire alarm systems, such as an electrician who specializes in signaling systems.

SIGNALING CIRCUIT

The electrical circuit that connects and operates all fire alarm system horns, bells or other devices.

SINGLE STATION UNIT

A self-contained fire protection device equipped with all features of a system within a small housing, such as a battery-operated smoke detector (i.e., detector, power supply, signal).

SUPERVISORY CIRCUIT

Any alarm circuit that passes a small current through a device and detects a fault on that circuit.

TYPE I SYSTEM

A total fire alarm system that includes detecting devices, annunciator signals, power supply and control panel that sounds the local signals at the structure being protected and trips a master fire alarm box connected to the RFD.

TYPE II SYSTEM

Same as a Type I system, except that there is no direct connection to the Fire Department.

§ 73-8. CONNECTION BY WAY OF MASTER BOX.

- A. Every master box owner whose fire alarm system on the effective date of this Article is connected to the RFD by way of a master box shall pay the fees as set forth in Chapter 105, Fees, Article I, Fire Department.
- B. Every master box owner whose fire alarm system is connected after the effective date of this Article to the RFD by way of a master box shall pay the fees as set forth in Chapter 105, Fees, Article I, Fire Department.
- C. Before any fire alarm system is connected to the RFD, the master box owner shall provide the Fire Chief with the following information:
 - (1) The name, address, home and work telephone number of the master box owner.
 - (2) The street address where the master box is located.
 - (3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box.
 - (4) The names, addresses and home and work telephone numbers of at least two (2) persons other than the owner who can be contacted twenty-four (24) hours a day who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.
 - (5) Such other information as the Fire Chief may require.
- D. If, at the passage of this Article, a fire alarm system has already been connected to the RFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the RFD has sent him or her notice, by first-class mail, of the requirements of this section.
- E. If a master box owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.) for each day of noncompliance.

§ 73-9. CONNECTION OF CENTRAL STATION OPERATING COMPANIES.

- A. Every central station operating company which has a direct connection on the effective date of this Article to the RFD shall pay the fees as set forth in Chapter 105, Fees, Article I, Fire Department.
- B. Every central station operating company which makes a direct connection after the effective date of this Article to the RFD shall pay the fees as set forth in Chapter 105, Fees, Article I, Fire Department.
- C. Before any central station operating company is connected with the RFD, it shall provide the Fire Chief with the following information:
 - (1) The name, address and telephone numbers of the central station operating company.
 - (2) The names, addresses and home and work telephone numbers of at least two (2) persons who can be contacted twenty-four (24) hours a day who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company.
 - (3) The name, address, home and work telephone numbers and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
 - (4) Such other information as the Fire Chief may require.

- D. If at the passage of this Article a central station operating company already has a direct connection to the RFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the RFD has sent it notice, by first class mail, of the requirements of this section.
- E. If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.) for each day of noncompliance.

§ 73-10. UPDATING INFORMATION.

- A. Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this Article.
- B. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.).

§ 73-11. FIRE ALARM SYSTEM MALFUNCTIONS; FINES.

- A. If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction per fiscal year according to the following schedule:
 - (1) First offense: no charge.
 - (2) Second and third offense. Upon the recording of the second and third offense by the RFD, the Fire Chief shall notify the owner of the building, in writing, by certified mail, of such fact and at this time inform the owner of the Department's policy with regard to charging for false alarms. (A copy of the policy shall be sent at this time.)
 - (3) Fourth through sixth offense: one hundred dollars (\$100.).
 - (4) Seventh through 11th offense: two hundred dollars (\$200.).
 - (5) Each offense after the 11th: three hundred dollars (\$300.).
- B. Private fire alarm systems connected to the RFD by other automatic means or through a central station system shall be subject to the above conditions.
- C. Any false fire alarm which is the result of the failure of the property owner, occupant or his/her agents to notify the RFD of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with Subsection A.
- D. Property owners will be billed once a month for the previous month's malfunction activity.
- E. If the bill is not paid within thirty (30) days, a second notice will be sent. If the bill is not paid after another thirty-day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

§ 73-12. APPEAL PROCEDURE.

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this Article may, within ten (10) days of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Randolph (the Board). After notice, the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief, giving its reasons therefor. The Board shall send its decision to the owner by first-class mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Norfolk County Superior Court.

§ 73-13. REGULATIONS AND ENFORCEMENT.

The Fire Chief may promulgate such regulations as may be necessary to implement this Article. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this Article.

§ 73-14. DISPOSITION OF FINES.

All fines assessed herein shall be payable to the Town of Randolph Fire Department for deposit in the general fund.

§ 73-15. SEVERABILITY.

The provisions of this Article shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

ARTICLE III

Key Boxes

§ 73-16. KEY BOX REQUIRED; EXCEPTIONS.

Any building, other than a residential building of less than six (6) units, which has a fire alarm system or other fire protective system shall provide a secure key box, installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the Chief of the Randolph Fire Department and shall be located and installed as approved by the Chief or his designee.

§ 73-17. VIOLATIONS AND PENALTIES.

Any building owner violating this Article, after receiving due notice by the Fire Department, shall be subject to a fine of fifty dollars (\$50.).

CHAPTER 76 ALCOHOLIC BEVERAGES

[HISTORY: Adopted 4-18-1995 Annual Town Meeting, Art. 8, approved 10-27-1995. Amendments noted where applicable.]

§ 76-1. PROHIBITED ACTS.

No person shall drink any alcoholic beverages, as defined in MGL C. 138, § 1, while on, in or upon any public way or any way in which the public has a right of access, any place to which members of the public have access as invitees or licensees, any park or playground or any private land or place without consent of the owner or person in control thereof.

§ 76-2. EVIDENCE OF VIOLATION.

Possession of an open can, bottle or other container which, upon analysis by the Department of Public Health, is determined to contain an alcoholic beverage, as defined in MGL C. 138, § 1, shall be prima facie evidence of drinking said alcoholic beverage.

§ 76-3. ENFORCEMENT.

- A. A police officer may, without a warrant, arrest anyone who violates this chapter.
- B. All alcoholic beverages being used in violation of this chapter shall be seized and safely held until adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

§ 76-4. VIOLATIONS AND PENALTIES.

Violation of this chapter will result in a fine of fifty dollars (\$50.) for the offender.