

CHAPTER 79

ANIMALS

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

§ 79-1. AUTHORITY.

This chapter is adopted pursuant to the authority granted the town by virtue of MGL C. 140, § 147A.

§ 79-2. TOWN RESPONSIBILITY.

- A. Upon the effective date of this chapter, the Town of Randolph shall assume all responsibility for regulation of dogs within the jurisdiction of the town and shall be responsible for the costs and expenses relating thereto. All money received from licenses or recovered as fines under this chapter shall be paid into the treasury of the town and shall not hereafter be paid over by the Town Treasurer to the County of Norfolk.
- B. Town enforcement.
Beginning upon the effective date of this chapter, the town shall take over and assume responsibility for all dog control functions previously undertaken by the County of Norfolk Dog Control Program within the limits of the town and shall be responsible for administering all laws, rules and regulations applicable to dogs within the town.

§ 79-3. ANIMAL CONTROL OFFICER; ENFORCEMENT.

The provisions of this chapter shall be administered and enforced by the Animal Control Officer; provided, however, that except as otherwise specifically set forth in this chapter for the disposition of funds collected, this chapter shall not change the duties or responsibilities of the town or of any town official or employee as described in the Massachusetts General Laws applicable to the regulation of dogs.

§ 79-4. REGULATIONS.

A. DEFINITIONS

As used in this chapter, the following words and phrases shall have the following meanings:

"Animal Control Officer" -

Any officer or assistant officer appointed pursuant to this Chapter for the enforcement of animal control laws, and who shall be responsible for this Chapter.

"Hobby Kennel" -

A kennel maintained for a collection of four to six dogs on a single premises or a kennel maintained for a collection of four to six cats on a single premises.

(a) Hobby Kennel - Canine

(b) Hobby Kennel - Feline

"Fancier Kennel" -

A kennel maintained for a collection of seven or more dogs on a single premises or a kennel maintained for a collection of seven or more on a single premises.

(a) Fancier Kennel - Canine

(b) Fancier Kennel - Feline

"Commercial Kennel" -

A kennel maintained as a business for the boarding of dogs or cats, or for the grooming of dogs or cats.

"Keeper" -

Any person, corporation, or society, other than the owner, harboring, or having in his possession a dog or cat.

"Kennel" -

Any single premises on which are kept a pack or collection of four or more dogs or cats over the age of three months.

"Kennel License" -

A license for any type of kennel.

"License Period" -

The time between January (1) first and the following December (31) thirty-first, both dates inclusive.

"Owner" -

Includes corporations, societies, associations, partnerships, individuals and any persons or agencies or political subdivisions provided they show ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

B. LICENSES AND TAGS

1. The owner or keeper of a dog within the town shall cause the dog to be initially licensed within 30 days if greater than six (6) months of age, or when it attains the age of six (6) months, and annually thereafter.
2. The Town shall issue dog licenses and license tags. The Town shall state upon each license application the following description of the dog: name, age, sex, reproductive status, breed and color as well as the name, address, and telephone number of the owner, and the license registration number.
3. The schedule fees for such licenses and regulations shall be adopted by the Board of Selectman after a public hearing.
4. Failure to pay the annual review license due by April 1st each year pursuant to this section shall result in a fine of twenty-five (\$25.00) dollars in addition to the licensing fee required.
5. The Town shall not issue a license for any dog unless the owner or keeper provides the Town with a licensed veterinarian's certificate verifying that the dog is currently vaccinated against rabies, as required by section 79-4C below.
6. No fee shall be charged for licensing dogs specifically trained to lead or serve a blind, deaf or other handicapped person so long as such dog is so employed and a certificate of such training is presented to the town.
7. Tags and licenses shall not be transferable.
8. The fee for a replacement tag shall be determined by the Board of Selectmen after a public hearing.
9. No license shall be issued to any child under the age of eighteen. If a dog is owned or kept by a child under the age of eighteen, the license shall be issued in the name of the child's parent or legal guardian who shall be deemed the keeper of the animal for purposes of this Chapter.
10. A license fee shall not be refunded because of a subsequent death, loss, spaying, neutering, or removal from the town of said dog.
11. The owner or keeper of a dog shall securely attach the license tag to said dog's collar or harness. If the tag is lost, the owner or keeper shall promptly apply for a replacement tag and shall attach same to the collar or harness of the dog. Failure to comply will result in a fine in the amount of fifty (\$50) dollars.

C. RABIES VACCINATION.

1. The owner or keeper of any dog or cat six (6) months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health.
2. Upon request, the keeper/owner shall provide a rabies certificate which states the description of the dog or cat: name, age, sex, reproductive status, breed and color, as well as the name, address, and telephone number of the owner, in addition to the date of vaccination, product used and the duration of immunity.
3. Unvaccinated dogs or cats acquired or brought into the town shall be vaccinated within 30 days after acquisition or entry into the town or upon reaching the age of six (6) months, whichever comes later.
4. Any exemption from the requirements of having to produce valid rabies certificate in order to obtain a dog license shall be granted if the owner or keeper presents a signed statement from a veterinarian, indicating that because of infirmity, other physical condition or regimen of therapy, inoculation is thereby deemed inadvisable.

D. KENNEL LICENSE

- 1) Any owner or keeper of four or more dogs, or cats, three months or older, or who boards or grooms dogs or cats, shall apply to the Town Clerk's Office for the appropriate kennel license(s), in writing upon forms provided to the applicant by the town.
 - (a) Each species (feline and canine) are counted individually when applying for a Hobby Kennel or a Fancier Kennel Permit. A single premise containing more than four cats or more than four dogs would need to apply for the appropriate permit(s) for each species.

- (b) The application must be acted upon by the Town Clerk, or the Town Clerk's designee, within 30 days of its submission and date stamp by the Town Clerk's Office.
 - (c) The Animal Control officer may provide to the Town Clerk or the Town Clerk's designee such conditions or restrictions on the issuance of a kennel license as the Animal Control Officer deems necessary for the public good. This may include, but not limited to, a public hearing with notification of abutters, a maximum number of animals allowed by the license for Fancier and Commercial licenses.
 - (d) All approved applications must conform with all Randolph Zoning laws and Business license requirements of Randolph.
- 2) The annual fees for kennel licenses and regulations shall be adopted by the Board of Selectmen after a public hearing.
 - 3) Failure to pay the annual renewal license fee due January 1st, by April 1st, shall result in a fine of twenty-five (\$25) dollars in addition to the required kennel fee.
 - 4) The town shall issue, without charge, upon written approval of the Animal Control Officer, a kennel license to any domestic charitable corporation incorporated in the Commonwealth exclusively for the purpose of protecting animals from cruelty, neglect, or abuse.
 - 5) A veterinary hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs or cats, or for boarding of dogs or cats for other than medical or surgical purposes in which case it shall apply for a commercial kennel license.
 - 6) If a kennel owner desires to increase the capacity of his kennel during a license period, he shall apply to the Town Clerk for a license modification, and upon approval by the Town Clerk or the Town Clerk's designee, the kennel owner shall pay only the increase in fee between the previous kennel fee and the new assessed kennel fee. Kennel licenses shall not be transferable. The owner or keeper of a kennel shall renew the license annually prior to the commencement of each succeeding license period. Failure to renew a kennel license shall result in a fine of twenty-five (\$25) dollars in addition to the required kennel fee.

E. KENNEL INSPECTION

- 1) The Animal Control Officer, or his designee, may at any time inspect or cause to be inspected any kennel. If he/she believes after such inspection that the kennel is not being maintained in a sanitary and humane manner, or if the animals within such kennel constitute a public nuisance, the Animal Control officer may suspend such license and request a license revocation hearing be held by the Board of Selectmen within thirty (30) days.
- 2) Upon re-inspection of any kennel with a suspended license, if the Animal Control Officer determines the cause for suspension to be satisfactorily resolved, the Animal Control Officer shall make a report to the Board of Selectmen and may rescind the temporary license suspension and re-instate such license. Any license once revoked may be reapplied for in the event of changed conditions.
- 3) If any person shall make a verbal complaint, to be followed in writing, to the Animal Control Officer that they are aggrieved, or annoyed to any unreasonable extent, by one or more dogs at the kennel, because of excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, the Animal Control Officer, or his designee, shall investigate such complaint within seven (7) days.
 - (a) This investigation may include but not be limited to inspection of the kennel, imposing restrictions or conditions on such kennel, or requesting a hearing to be held by the Board of Selectmen within thirty (30) days.
 - (b) Within seven (7) days after such public hearing the Board of Selectmen shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition.
 - (c) Any person maintaining a kennel after the license therefor has been so revoked, or while such license is so suspended, may be punished by a fine of fifty (\$50) dollars for each offense, each day constituting a separate offense.
 - (d) The holder of such license may petition the District Court for relief in accordance with MGL Ch. 140, §137C.

F. Injured or diseased animals.

Whenever the Animal Control Officer determines that any animal has been injured sufficiently to require the services of a veterinarian and has transported such animal to the local veterinarian, a transportation charge in an amount to be set by the Board of Selectmen pursuant to G. L. Chapter 40, section 22F, shall be paid by the owner of the animal to the Town of Randolph. In addition, the owner shall be directly responsible for the charge for the services of the veterinarian.

G. Animal pickups.

A pickup fee proportional to the size of the animal but in an amount to be set by the Board of Selectmen pursuant to G. L. Chapter 40, section 22F shall be paid by the owner of any animal whenever the Animal Control Officer is required to enter upon private property to pick up the animal, dead or alive.

H. Leash law.

- 1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public ways or places or upon the premises of anyone other than the owner or keeper unless the owner or occupant of such premises grants permission.

No dog shall be permitted in any public place or street within the Town of Randolph unless it is effectively restrained by a chain or leash not exceeding seven (7) feet in length and attended by a person of adequate age and discretion to properly control its actions. Violations of the foregoing shall be penalized in accordance with MGL C. 140, § 173.

- 2) If any person shall make a verbal complaint, to be followed in writing, to the Animal Control Officer that any dog owned or harbored within his/her jurisdiction is a nuisance by reason of vicious disposition or excessive barking, violation of personal property or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination, under oath, of the complainant, and submit a written report to the Selectmen of his/her findings and recommendations, together with the written complaint.
- 3) Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.
- 4) The Animal Control Officer may issue an interim order against any dog for any of the following reasons:
 - (a) For having bitten any person.
 - (b) If found at large.

I. Daytime repetitive barking.

It shall be unlawful for a dog owner, keeper, or kennel owner to allow a dog, or dogs, within the Town of Randolph to bark in the open, outside of any building, or to bark inside a building in such a manner as to be heard beyond the premises where the dog, or dogs, are quartered, repetitively for more than thirty (30) minutes during the hours between 7:00 a.m. and 9:00 p.m.

J. Nighttime repetitive barking.

It shall be unlawful for a dog owner, keeper, or kennel owner to allow a dog, or dogs, within the Town of Randolph to bark in the open, outside of any building, or to bark inside a building in such a manner as to be heard beyond the premises where the dog, or dogs, are quartered, repetitively for more than 10 minutes during the quiet hours between 9:00 p.m. and 7:00 a.m.

- K. The owner of any dog found by the Animal Control Officer or Police Department to be unleashed or unsecured and have bitten or attacked a person or another domesticated animal shall be subject to the fines set forth in G. L. Chapter 140, section 173A.

- L. The keeper of any dog that has been quarantined for suspicion of rabies and fails to obey such order shall be subject to a fine of fifty (\$50) dollars for each offense, each day constituting a separate offense.

M. Animal Waste Removal "POOPER SCOOPER"

The owner or keeper of a dog shall cause to be removed any defecation made by said dog, at the time made, from any street, public way, public place or property of another. Failure to comply with this section shall result in a fine which shall be subject to a fine as follows:

Written Warning first offense in a 365 day period
\$25.00 second offense in a 365 day period
\$50.00 third or subsequent offense in a 365 day period

- N. Fees to treasury. All money received from licenses or recovered as fines pursuant to this chapter shall be paid into the treasury of the town, and no portion thereof shall be retained, withheld or paid back to any town official or employee as compensation, nor shall said money be paid over to Norfolk County.

§ 79-5. VIOLATIONS AND PENALTIES; ENFORCEMENT.

- A. Fine. Any violation of this chapter, except where otherwise specifically provided herein, shall be punished by a fine of \$50. This chapter shall be enforced by the Animal Control Officer utilizing the non-criminal tickets and disposition mechanism of MGL c. 40, § 21D.
- B. Other remedies. Any violation of this chapter may be further remedied by the Board of Selectmen, after hearing, issuing orders concerning the restraint, muzzling or disposal of dogs as may be deemed necessary in the same manner as authorized by MGL c. 140 § 157, or any other general law of the commonwealth regulating dogs, here fully incorporated by reference as applicable to the dog regulations of this chapter.
- C. Leash law complaint. Whenever a complaint is sought in the District Court for violation of the so-called leash law, the procedure set forth in MGL c. 140, § 173A, may be followed.

§ 79-6. NATURE OF LICENSES

All licenses, tags and other permission from the Animal Control Officer or other town office or official related to this Chapter 79 shall be construed as a privilege, conferring no property interest or other right, that may be revoked at any time by written notice. No license granted under this Chapter 79 shall be transferable or assignable.

§ 79-7. REPEALER.

This chapter supersedes and replaces Article Seven, Section 21 (ATM 3-18-74), Section 21A (ATM 3-20-72), Sections 21B and 21C (STM 2-22-93) and Section 21C (ATM 6-21-93).

This chapter supersedes and replaces above (ATM 4-25-06, ART. 11 - approved 10-17-06)

CHAPTER 83 BUILDING CONSTRUCTION

[Building construction in the Town of Randolph is governed by the current edition of the Massachusetts State Building Code.]

CHAPTER 86 BUILDINGS, MOVING OF

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

§ 86-1. PROCEDURE.

No person shall move a building from one lot to another lot without having followed this procedure:

- A. Obtain from the Building Commissioner and/or local inspector written permission to do so.
- B. Receive from the Commonwealth of Massachusetts, Department of Public Works, all necessary permits.
- C. File with the Board of Selectmen a bond or other surety in the total amount determined by said Board to indemnify any or all persons.
- D. Receive from the Board of Selectmen permission to make said move during such hours and on such public ways as it may determine.
- E. Employ such security personnel, consisting of but not limited to police, fire, public works or other, as may be determined by the Board of Selectmen.

CHAPTER 87

DEMOLITION OF HISTORIC BUILDINGS

[HISTORY: Adopted 4-20-1999 ATM, Art. 8, approved 8-23-1999; Amended 6-17-2002 STM, Art. 2, approved 10-3-2002]

§ 87-1. PURPOSE

This by-law is adopted for the purpose of preserving and protecting significant buildings within the Town of Randolph which reflect or constitute distinctive features of the cultural, architectural, economic, political or social history of the Town and to encourage the preservation and restoration rather than the demolition of such buildings.

§ 87-2. DEFINITIONS

1. "Building" - any combination of materials forming a shelter for persons, animals, or property.
2. "Commission" - the Randolph Historical Commission.
3. "Building Commissioner" - The Randolph Building Commissioners.
4. "Demolition" - any act of pulling down, destroying, removing, or razing a building or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.
5. "Demolition Permit" - the permit issued by the Building Commissioner as required by State Building Code, for the demolition or removal of a building or structure. This permit must also indicate the location of the facility at which the debris is to be disposed.
6. "Significant Building" - any building or portion thereof which is one hundred (100) years old or over and is not included in a historic district but which:
 - a. is listed on, or is within an area listed on, the National Register of History Places, or is the subject of a pending application for listing on said National Register; or
 - b. is included in the Cultural Resources Inventory prepared by the Commission including those buildings listed for which completed surveys may be pending; or
 - c. has been determined by a vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, builder, person or event provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.

§ 87-3. PROCEDURE

1. Prior to application for a demolition permit of any building in the town that is one-hundred (100) years old or older, applicant should apply to the Historical Commission for a determination of whether such building is a Significant Building. A list of one-hundred (100) years old or older buildings shall be maintained at the offices of both the Building Commissioner and the Historical Commission. No demolition permit shall be issued for such a property without the determination specified herein, except as noted below.
2. After the Commission has received a copy of the application for a determination of historical significance, it shall within twenty (20) days submit a preliminary recommendation regarding the granting of a demolition permit. If the commission issues a recommendation in favor of granting such a permit, an application may be filed with the Building Commissioner for the granting of such a permit, no permit shall be issued until a more thorough investigation and a public hearing is undertaken and a final recommendation is made by the Commission. Such investigation, public hearing and recommendation shall be completed within forty-five (45) days of the original submission to the Commission.
3. After the Commission issues a preliminary recommendation in opposition to the granting of a permit for demolition, the Commission shall fix a time for the hearing no more than thirty (30) days from the issuance of the preliminary recommendation and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing, in a local newspaper at least fourteen (14) days before said hearing, and also, within seven days of said hearing, by mailing a copy of said notice to the applicant, to the owners of all property within a three hundred foot (300') radius of subject property as they appear on the most recent local tax list and to other such persons as the Commission shall deem entitled to notice.

4. If, after such hearing, the Commission determines that the demolition of the Significant Building would not be detrimental to the historical heritage or resources of the Town, the Commission shall so notify the Building Commissioner with ten (10) days of such determination. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of the conduct of the public hearing if notification from the Commission has not been received, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable law, by-laws, rules and regulations, issue the demolition permit.
5. If the Commission determines that the Significant Building would be detrimental to the historical heritage or resources of the town, such building shall be considered a "preferably-preserved significant building."
6. Upon determination by the Commission that the Significant Building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Commissioner, and no demolition permit may be issued for at least six (6) months after the date of such determination by the Commission.
7. Notwithstanding section 87-3.6 preceding, the Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:
 - a. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase for fair market value, to preserve, rehabilitate, or restore such building, or
 - b. the Commission is satisfied that for at least six months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

§ 87-4. EMERGENCY DEMOLITION

1. If the condition of a building or structure poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building may request the issuance of an emergency demolition from the Building Commissioner.
2. After the receipt of such a request the Building Commissioner shall arrange to have the property inspected by a board consisting of the Building Commissioner, the chairmen of the Historical Commission and Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building or structure and consultation with this board, the Building Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this Section 87-4. A written report shall be prepared for the Commission by the Building Commissioner describing the condition of the building or structure and the basis for the decision to issue an emergency demolition permit.
3. Nothing in this Section 87-4 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Section 6-10, of the Massachusetts General Laws.
4. Nothing in this Section 87-4 shall be construed to prevent the construction, reconstruction, restoration, alteration, or demolition of any feature which the Building Commissioner shall certify is required by the public safety because of an unsafe or dangerous condition. Except in the case of buildings listed on the State or National Register of Historic Places, or are part of a State or National Register District, the Commission shall not regulate such construction, reconstruction, alteration or demolition.

§ 87-5. HISTORIC DISTRICTS

Notwithstanding the foregoing sections of this Chapter 87, these provisions shall not apply to any building or structure located within a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws and any bylaws regulating historic districts in the town of Randolph.

§ 87-6. ENFORCEMENT AND REMEDY

1. The Commission and Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this by-law, or to prevent the violation thereof.
2. Whoever violates any provisions of this bylaw shall be punishable by a fine not to exceed \$300.00 for each such violation. Each day during which a violation exists shall constitute a separate offense.
3. No building permit shall be issued with respect to any premises upon which a Significant Building has been voluntarily demolished in violation of this by-law for a period of two years after the date of completion of such demolition. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located.
4. The provisions of sub-section 2 above shall not apply to those buildings or structures that were demolished due to fire, storm or other natural disaster, provided that said fire damage was not the result of arson or other intentional destruction by the owner as determined by the Fire Chief or his designee.

§ 87-7. APPEAL PROCEDURE

Any person aggrieved by the determination of the Commission, may within twenty days after the filing of the notice of such determination with the Building Commissioner, appeal to the Superior Court for Norfolk County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence, arbitrary or capricious, or in excess of the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

§ 87-8. SEVERABILITY

If any section, paragraph, or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

CHAPTER 90 BURNING, OUTDOOR

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

§ 90-1. PROHIBITED ACTS.

All outdoor burning of any materials, with the exception of fires used in the preparation of food or fires authorized by a permit issued by the Fire Department, is hereby prohibited.

§ 90-2. VIOLATIONS AND PENALTIES.

Violation of this chapter shall be punishable by a fine of not more than twenty dollars (\$20.) for each offense.

CHAPTER 93 BUSINESS HOURS

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

§ 93-1. NIGHT SHIFTS.

Factories, plants, contractors and industries shall not engage in work between the hours of 12:01 a.m. and 5:59 a.m., except on emergency snow removal or with special permission by written permit from the Chief of Police.

§ 93-2. VIOLATIONS AND PENALTIES.

Violation of this chapter shall be punishable by a fine of twenty dollars (\$20.) for each offense.

CHAPTER 98 (Reserved)

Editor's Note: Former Ch. 98, Consultants, Hiring of, was originally adopted 4-19-1994 ATM, Art. 16. Section 1 of said Art. 16 was disapproved by the Attorney General. Section 2 was included in the Code as Chapter 98, § 98-1, adopted 4-18-1995 ATM approved 10-27-1995. Said material was repealed 4-16-1996 ATM Art. 7, approved 7-29-1996. Article 8 adopted at the 4-16-1996 ATM, approved 7-29-1996, subsequently rescinded 4-19-1994 ATM, Art. 16 in its entirety.

CHAPTER 105 FEES

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

ARTICLE I

Fire Department

§ 105-1. FEES ESTABLISHED.

Fees to be charged by the Fire Department shall be as follows:

<u>Service</u>	<u>Fee</u>
Inspections and Permits	
Quarterly inspection (nursing homes, group homes, rooming houses, hotels and motels)	\$25.00 per inspection
Inspection of tank trucks (transporting Class A and B fluids) <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$40.00
Blasting permit <i>[Amended 5-8-2000 STM, Art. 7 approved 8-17-2000]</i>	\$25.00
Flammable fluids and gases permit <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$25.00
Inspection of properties holding flammable fluids and gases permit (yearly) <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$10.00
Gunpowder permit	\$10.00
Oil burners (permits and inspections) <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00 per installation
Permit for removal of underground storage tanks <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]:</i>	
Over 1,100 gallons	\$100.00 per tank
Under 1,100 gallons	\$50.00 per tank
Permit for installation of underground storage tanks <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]:</i>	
Over 1,100 gallons	\$100.00 per tank
Under 1,100 gallons	\$50.00 per tank
Permit for removal of residential above ground tank <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00

<u>Service</u>	<u>Fee</u>
Permit for installation of residential above ground tank <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]:</i>	\$20.00
Smoke detector certificate inspections:	
Single family	\$20.00
Multiple dwellings	\$20.00 first unit; \$10.00 each additional unit
Reinspections <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$10.00 per unit
Inspection of theaters (quarterly) <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$25.00
Permit for residential storage of less than 100 gallons of LP gas <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$25.00
Permit for commercial storage of over 100 gallons of LP gas <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$25.00
Inspection and permit of fireworks display 527 CMR 2.00 MGL c. 148 <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00
Inspection and permit for dispensing of motor fuels from a tank vehicle to a motor vehicle or motorized equipment at commercial, industrial, governmental, construction sites or manufacturing establishments not open to the public 527 CMR5.08(6) <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00 per site
Fire Alarms	
Initial inspection, testing and acceptance of commercial fire detection system <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$100.00
Permit to install or modify sprinkler system <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00
Initial inspection, testing and acceptance of commercial sprinkler system <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$100.00
Permit to install or modify interior fire-alarm system <i>[Amended 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	\$20.00
Initial connection of master box to municipal system	\$100.00
Annual fee for connection to municipal system	\$100.00
Annual fee, central station	\$200.00
Alarm system disconnects:	
4 per year	\$0.00 No charge
Over 4	\$10.00 each
After normal business hours	\$25.00
Miscellaneous	
Fire and/or ambulance reports <i>[Amended 5-8-2000 STM, Art. 7, approved 8-17-2000]</i>	\$10.00
Vehicle - industrial extrication, hazardous materials cleanup	\$100.00
Review of plans/prints/specifications <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998]</i>	
Minimum 1 hour	\$25.00 per hour
Research time	\$25.00 per hour
Car fire reports, FP33C/FP33D reports <i>[Added 11-3-1997 STM, Art. 34, approved 2-6-1998, Amended 5-8-2000 STM, Art. 7, approved 8-17-2000]</i>	\$10.00
Tar kettle permits <i>[Added 5-8-2000 STM, Art. 7, approved 8-17-2000]</i>	\$20.00
FP290 renewal <i>[Added 5-8-2000 STM, Art. 7, approved 8-17-2000]</i>	\$25.00

ARTICLE II
Ambulance Services

§ 105-2. FEES ESTABLISHED.

[Amended 11-2-1999 STM, Art. 65, approved 1-31-2000; amended 11-18-2002, STM Art. 6, approved 1-21-2003, amended 4-26-2004 ATM Art. 45, approved 7-20-2004]

The fee for ambulance/EMT service and usage shall be established by the Fire Chief with the approval of the Board of Selectmen pursuant to G.L. c.40, section 22F.

§ 105-3. COLLECTION.

The Town Collector shall have complete authority to collect bills rendered on account of ambulance services by using any process available for the collection of taxes and other accounts due the town.

ARTICLE III
Town Clerk

§ 105-4. FEES ESTABLISHED.

Fees to be charged by the Town Clerk shall be as follows: 1

<u>Service</u>	<u>Fee</u>
1. Filing and indexing assignment for the benefit of creditors	\$10.00
11. Entering amendment of a record of the birth of a child born out of wedlock subsequently legitimized	\$10.00
12. Correcting errors in a record of birth	\$10.00
13. Furnishing certificate of birth	\$5.00
13A. Furnishing an abstract copy of a record of birth	\$4.00
14. Entering delayed record of birth	\$10.00
20. Filing certificate of a person conducting business under any title other than his/her real name	\$20.00
21. Filing, by a person conducting business under any title other than his/her real name, of a statement of change of his/her residence or his/her discontinuance, retirement or withdrawal from or change of location of such business	\$10.00
22. Furnishing certified copy of certificate of person conducting business under any title other than his/her real name or a statement by such person of his/her discontinuance, retirement or withdrawal from such business	\$5.00
24. Recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20.00
29. Correcting errors in a record of death	\$10.00
30. Furnishing a certificate of death	\$5.00
30A. Furnishing an abstract copy of a record of death	\$4.00
42. Entering notice of intention of marriage and issuing certificates thereof	\$15.00
43. Entering certificate of marriage filed by persons married out of the commonwealth	\$5.00
44. Issuing certificate of marriage	\$5.00
44A. Furnishing an abstract copy of a record of marriage	\$4.00
45. Correcting errors in a record of marriage	\$10.00
54. Recording power of attorney	\$10.00
57. Recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20.00
58. Recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$20.00
62. Recording order granting locations of poles, piers, abutments or conduits, or alterations or transfers thereof, and transfers thereof, and increase in number of wires and cable or attachments under the provisions of MGL C. 166, § 22	\$40.00 flat rate; \$10.00 additional streets

<u>Service</u>	<u>Fee</u>	
66. Examining records of papers relating to a birth, marriage or death, upon the application of any person	\$5.00	or actual expense of record
67. Copying any manuscript or record pertaining to a birth, marriage or death	\$5.00	per page
69. Receiving and filing a complete inventory of all items to be included in a "closing out sale," etc.	\$10.00	first page;
	\$2.00	additional pages
75. Filing a copy of written instrument or declaration of trust by trustees of an association or trust, or any amendment thereof as provided by MGL C. 182, § 2	\$20.00	
78. Recording deed of lot or plot in a public place or cemetery	\$10.00	
79. Recording any other documents	\$10.00	first page;
	\$2.00	additional pages
Voter certificate	\$5.00	

¹Editor's Note: The numbers in the first column refer to subsections contained in MGL C. 262, § 34.

ARTICLE IV

Sealing, Weighing and Measuring Devices

§ 105-5. FEES ESTABLISHED.

Fees for sealing, weighing and measuring devices shall be as follows:

<u>Device</u>	<u>Fee</u>
Balances and scales (pounds):	
Over 10,000	\$ 75.00
5,000 to 10,000	\$ 45.00
1,000 to 5,000	\$ 35.00
100 to 1,000	\$ 35.00
More than 10 and less than 100	\$ 10.00
10 or less	\$ 10.00
Weights:	
Avoirdupois	\$ 1.00
Metric	\$ 1.00
Apothecary	\$ 1.00
Troy	\$ 1.00
Liquid measuring meters:	
Inlet 1/2 inch or less:	
Oil or grease	\$ 6.00
Inlet more than 1/2 inch to 1 inch:	
Gasoline	\$ 20.00
<i>[Amended 5-1-2001ATM, Art. 58, approved 12-21-2001]</i>	
Inlet more than 1 inch:	
Vehicle tank pump	\$ 50.00
<i>[Amended 5-1-2001ATM, Art. 58, approved 12-21-2001]</i>	
Vehicle tank gravity	\$ 50.00
Bulk storage	\$ 60.00
Company supplies prover	\$ 50.00
Pumps:	
Each stop on pump	\$ 3.00
Other Devices:	
Taxi meters	\$ 10.00
Odometers - hubodometer	\$ 10.00
Leather measuring (semiannual)	\$ 8.00
Fabric measuring	\$ 8.00
Wire-rope cordage	\$ 8.00
Adjusting - repairs	\$ 6.00

CHAPTER 109 GAS STATIONS

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

§ 109-1. SELF-SERVE SYSTEMS.

The dispensing of motor fuel by means of self-serve automated dispensing systems shall be permitted, at the option of the individual dealer. All such installations shall comply with the regulations promulgated by the Board of Fire Prevention Regulations of the Commonwealth of Massachusetts.

§ 109-2. FREE AIR TO BE PROVIDED.

Local gas stations shall provide free air with a pressure-measuring device.

CHAPTER 113 HERBICIDES

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

§ 113-1. USE BY TOWN AGENCIES PROHIBITED.

No agency of the town shall use herbicides to control or eliminate vegetation.

§ 113-2. FORM TO BE FILED PRIOR TO APPLICATION.

All professional applicators of herbicide, pesticide, insecticide, fungicide or rodenticide products shall file a form, approved by the Board of Health, with the Town Health Department prior to the application.

CHAPTER 116 HUNTING AND FIREARMS

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

§ 116-1. PROHIBITED ACTS.

No person shall hunt or fire, discharge, explode or set off any firearm within the limits of the town. Target shooting is prohibited within the limits of the town except where permitted, in writing, by the Chief of Police of Randolph. With respect to firearms, this section shall not prohibit the lawful defense of life or protection of property nor be applicable to any law enforcement official acting in the discharge of his/her duties.

§ 116-2. VIOLATIONS AND PENALTIES.

Violation of this chapter shall be punishable by a fine of twenty dollars (\$20.) for each offense.

CHAPTER 121 JUNK DEALERS

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

§ 121-1. LICENSE REQUIRED.

No person shall be a collector of or a dealer in junk, old metals or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles, unless licensed therefor by the Selectmen, upon payment of a fee of twenty-five dollars (\$25.).

CHAPTER 127 LICENSES AND PERMITS

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

ARTICLE I

Fees

§ 127-1. BOARD OF SELECTMEN.

The Board of Selectmen shall fix fees for the following licenses: common victualer, innholder and game machines.

§ 127-2. LOCAL LICENSING AUTHORITY.

The local licensing authority shall be empowered to set the fee for a license under MGL C. 138, § 30A,¹ and MGL C. 140, § 185I.²

ARTICLE II

Delinquent Taxpayers

§ 127-3. AUTHORITY.

The town, by accepting the provisions of MGL C. 40, § 57,³ may deny any application or revoke or suspend any local license or permit, including renewals or transfers, issued by any board, officer or department for any person, corporation or business enterprise who or which has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charge.

§ 127-4. LIST OF DELINQUENT TAXPAYERS.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 127-5. DENIAL, REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.

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 by the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceedings 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 Article shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

§ 127-6. PAYMENT AGREEMENT.

Consistent with the provisions of §12-1 herein, 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. 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.

§ 127-7. WAIVER.

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of the property owner's immediate family, as defined in MGL C. 268, § 1, in the business or activity conducted in or on said property.

§ 127-8. EXCEPTIONS.

- A. This Article shall not apply to the following licenses and permits: open burning, MGL C. 48, § 13; bicycle permits, MGL C. 85, § 11A; sales of articles for charitable purposes, MGL C. 101, § 33; children work permits, MGL C. 149, § 69; clubs and associations dispensing food or beverage licenses, MGL C. 140, § 21E; dog licenses, MGL C. 140, § 137; fishing, hunting and trapping licenses, MGL C. 131, § 12; marriage licenses, MGL C. 207, § 28; and theatrical events and public exhibition permits, MGL C. 140, § 181.
- B. The town may exclude any local license or permit from this Article by bylaw change.

¹ Editor's Note: Said section deals with pharmacists licensed to sell alcoholic beverages without a prescription.

² Editor's Note: Said section deals with fortune-tellers.

³ Editor's Note: MGL C. 40, § 57, was accepted ATM 4-17-1990 by Art. 8.

CHAPTER 140

PEACE AND GOOD ORDER

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

GENERAL REFERENCES

Alcoholic beverages — See Ch. 76.

Animals — See Ch. 79.

Hunting and firearms — See Ch. 116.

§ 140-1. GENERAL PROVISIONS.

[Amended 4-16-1996 ATM, Art. 8, approved 7-29-1996]

No person shall throw stones, snowballs, sticks or other missiles, nor kick any football, nor play at any game in which a ball is used, nor fly any kite or balloon, nor shoot with or use a bow and arrow, gun, air-gun or sling, in or across any of the public ways of the town, nor take hold of or ride upon the hind part of any carriage or other vehicles, without leave; nor drive, wheel or draw any coach, cart or other carriage of burden or pleasure, except children's carriages drawn by hand, upon any sidewalk in the town; nor drive or permit any horse under his/her care to go or stand upon any sidewalk in the town or to stand on any crosswalk; nor behave himself or herself in a rude or disorderly manner; nor use any profane, indecent or insulting language in any street or other public place in the town or near any dwelling house or other buildings therein; nor be or remain upon any doorstep, portico or other step or projection of any such building or house, to the annoyance of other persons, under a penalty of not less than \$1 nor more than \$20 for each offense.

§ 140-2. INDECENT EXPOSURE.

No person shall bathe or swim in any waters within the town in a state of nudity in places exposed to public view, or in the immediate sight of the occupant or occupants of any dwelling house, shop or factory, under a penalty of not less than \$1 nor more than \$20 for each offense.

§ 140-3. GRAFFITI AND ADVERTISEMENTS.

- A. No person shall make any indecent figure or write any indecent or obscene words upon any fence, building or structure in any public place or upon any sidewalk or wall.
- B. No person, unless required by law so to do, shall make any marks, letters or figures of any kind, or place any sign, advertisement or placard upon or against any wall, fence, post, ledge, stone, tree, building, sidewalk or structure in or upon any street in this town without the permission of the owner thereof.¹

§ 140-4. DEPOSIT OF WASTE MATERIALS ON PUBLIC PROPERTY.

No person shall throw debris, rubbish or waste material or cause spillage of any of the aforementioned materials to be deposited on a public way or sidewalk, under a penalty of not less than \$1 nor more than \$20 for each offense.

¹ Editor's Note: Original Section 12 of Art. 7 of the 1931 Bylaws, which immediately followed, was deleted at publication of the Code. It was subsequently repealed 4-16-1996 ATM, Art. 8, approved 7-29-1996.

CHAPTER 143

PEDDLING AND SOLICITING

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

ARTICLE I

Hawkers and Peddlers

§ 143-1. PERMIT REQUIRED.

No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the town unless duly licensed to do so by first having obtained a written permit from the Board of Selectmen.

§ 143-2. REGISTRATION WITH CHIEF OF POLICE; VEHICLE IDENTIFICATION.

No person shall hawk or peddle any of the articles enumerated in MGL C. 101, § 17, and all amendments thereof until he or she has recorded his/her name and residence with the Chief of Police and has been assigned a number by the Chief of Police, nor unless any vehicle or receptacle in which he or she may carry or convey such articles shall have painted on the outside thereof, in letters and figures at least two (2) inches in height, the name of the person selling and the number given the person by the Chief of Police and be approved on the first Monday in every month by the Chief of Police.

§ 143-3. DISTURBANCE OF THE PEACE PROHIBITED.

No person hawking, peddling, selling or exposing for sale any article enumerated in MGL C. 101, § 17, and acts in amendment thereof, shall cry his/her wares to the disturbance of the peace or comfort of the inhabitants of the town.

§ 143-4. LICENSE TO SELL FRUIT AND VEGETABLES.

- A. The Board of Selectmen may from time to time grant licenses to suitable persons to be hawkers and peddlers of fruit and vegetables within the town.
- B. Every license so granted shall expire on the first day of May next following the date thereof, but no such license shall be effective until the licensee shall have paid to the Town Treasurer a fee of two dollars (\$2.) to the use of the town.

§ 143-5. SALE OF NONPETROLEUM PRODUCTS FROM GASOLINE STATION.

- A. No hawker or peddler or transient vendor, as defined in MGL C. 101, shall sell nonpetroleum products from a gasoline station site unless licensed to do so by the Board of Selectmen.
- B. Violation of the foregoing shall be punishable by a fine of fifty dollars (\$50.) per day.

§ 143-6. VIOLATIONS AND PENALTIES.

Any hawker or peddler of fruit or vegetables who conducts his/her business within the town and is not licensed as provided in § 143-4 of this Article and any person who violates any of the provisions of the foregoing sections of this Article shall be punished by a fine of not more than twenty dollars (\$20.) for each offense.

ARTICLE II

Prohibited Merchandise

§ 143-7. SILLY STRING.

- A. No hawkers or peddlers, merchants or any other person shall sell or barter or offer for sale or barter any goods or merchandise capable of spraying or shooting an object from a closed container by means of compressed air or gas, consisting of items commonly referred to as "liquid string" or "silly string."
- B. Persons convicted of violating this section shall be punished by a fine not to exceed three hundred dollars (\$300.).

§ 143-8. STINK BOMBS.

No hawkers or peddlers, merchants or any other person shall sell or barter or offer for sale or barter within the town any goods or merchandise capable, upon being triggered by crushing or stamping upon, of emitting noisome or unpleasant odors from an enclosed container, including but not limited to goods or merchandise commonly referred to as "stink bombs."

ARTICLE III

Solicitors and Canvassers

§ 143-9. LICENSE REQUIRED; APPLICABILITY.

It shall be unlawful for any solicitor or canvasser, as defined in this Article, to engage in such business within the town without first obtaining a license therefor in compliance with the provisions of this Article. The provisions of this Article shall not apply to any person exempted under MGL C. 101 or to any person duly licensed under MGL C. 101 or to any person exempted by another general law, nor shall this Article be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

§ 143-10.DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

SOLICITOR or CANVASSER Any person who, for himself or herself or for another person, firm or corporation, travels, by foot, automobile or any other type of conveyance, from place to place, from house to house or from street to street taking or attempting to lease or take orders for retail sale of goods, wares, merchandise or services, including, without limitation, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he or she is collecting advance payment on such retail sales.

§ 143-11.APPLICATION; FEE; WAIVER.

- A. Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application, signed under the penalties of perjury, containing the following information:
- (1) Name of applicant.
 - (2) Address of applicant (local and permanent home address).
 - (3) Applicant's height, weight and eye and hair color.
 - (4) Applicant's social security number.
 - (5) The length of time for which the right to do business is desired.
 - (6) A brief description of the nature of the business and the goods to be sold.
 - (7) The name and home office address of the applicant's employer. If self-employed it shall so state.
 - (8) A photograph of the applicant, which picture shall be submitted by the applicant and shall be two by two (2 x 2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (9) If operating a motor vehicle, the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.
- B. At the time of filing the application, each applicant shall pay a fee of ten dollars (\$10.).
- C. The Chief of Police may waive any provision of this section.

§ 143-12.INVESTIGATION; APPROVAL OR DISAPPROVAL; ISSUANCE OF LICENSE.

- A. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.
- B. After an investigation of the applicant's morals and integrity, but within seven (7) business days of the filing of the application, the Chief of Police shall endorse on such application approval or disapproval. Failure of the Police Chief to act on said permit within seven (7) business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the Board of Selectmen in writing within seven (7) days of the denial by the Chief of Police. The Board of Selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall be deemed approval.
- C. Such license when issued shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Police Department shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Police Department by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

§ 143-13.ENFORCEMENT; TRANSFERS.

The police officers of the town shall enforce this Article. No license shall be transferred.

§ 143-14.REVOCATION OF LICENSE; APPEALS.

Any license granted under this Article may be revoked by the Chief of Police upon conviction by the licensee of any crime that, in the judgment of the Chief, warrants such revocation, or upon submission to the Chief of evidence satisfactory to the Chief that, during the term of the license, the licensee has violated any provision of this Article, or for any other sufficient cause. Any person aggrieved by such revocation may appeal to the Board of Selectmen within seven (7) business days, and a hearing will be scheduled for one (1) of the next two (2) regularly scheduled meetings of the Board of Selectmen.

§ 143-15.EXPIRATION OF LICENSE.

Each license issued under the provisions of this Article shall continue in force from the date of its issue until the 31st day of December following, unless sooner revoked.

§ 143-16.RENEWAL OF LICENSE.

A license issued under the provisions of this Article may be renewed by the Chief of Police. An applicant requesting a renewal of a license must apply in person for such license renewal and provide such information as is required to obtain an initial license.

§ 143-17.MISREPRESENTATION.

- A. No solicitor or canvasser, licensed or exempted from license, may represent, in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of the Massachusetts General Laws.
- B. No solicitor or canvasser, licensed or exempted from license, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

§ 143-18.TRESPASSING.

It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who or which has displayed a no-trespassing or no-soliciting sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore a resident's or businessperson's "no solicitation" directive or remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

§ 143-19.VIOLATIONS AND PENALTIES.

Any person violating any provision of this Article shall, upon conviction thereof, be punished by a fine not to exceed fifty dollars (\$50.) for each and every offense.

CHAPTER 147

PROPERTY MAINTENANCE

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

GENERAL REFERENCES

Abandoned vehicles — See Ch. 176.

§ 147-1.

Landscaping is defined as the finishing and adornment of unpaved yard areas. Materials and treatment generally include, but are not limited to, naturally growing elements such as grass, trees, shrubs, and flowers, and which may include the use of logs, rocks, fountains, water features and contouring of the earth.

[HISTORY: Amended 4-23-2001 ATM, Art. 13, approved 12-21-2001]

§ 147-2A.

Requirements applicable to single-family and multi-family buildings. Landscaping is required in all front yards for all buildings and additions over 1,000 square feet. Said landscaping shall be completed within one (1) year from the date of occupancy of the building. Front yards required by this code shall be completely landscaped, except for those areas occupied by driveways, walls and paved walkways.

[HISTORY: Amended 4-23-2001 ATM, Art. 13, approved 12-21-2001]

§ 147-2B.

Requirements applicable single-family/multi-family buildings. Landscaping is required in all streetside side-yards for all buildings and additions over 1,000 square feet. Said landscaping shall be completed within one (1) year from the date of occupancy of the building. All flanking street-side sideyard shall be completely landscaped, except for those areas occupied by utilities, driveways, paved walks, and walls. All live landscaping required by this code shall be properly maintained. All dead or dying landscaping shall be replaced and all grass areas mowed on a regular basis. Enforcing authority shall be the Building Commissioner.

[HISTORY: Amended 4-23-2001 ATM, Art. 13, approved 12-21-2001]

§ 147-3. ACCUMULATIONS OF EARTH MATERIAL.

Land which contains an accumulation of rock, stone, gravel, sand or other earth material above the surface of the ground in such a manner as to be dangerous to the property or person of anyone shall be deemed a nuisance and may be abated by the Board of Selectmen in the following manner:

[HISTORY: Amended 6-17-2002 STM, Art. 2, approved 10-3-2002]

- A. Any individual, or the Board itself, may initiate a petition to said Board stating the nature of the nuisance complained of and apply for abatement thereof, whereupon the Board shall view the premises. If the Board is of the opinion that the petition should be granted, it shall set a time and place for hearing, giving notice thereof to the petitioners, to the person whose land it may be necessary to enter upon to abate the nuisance and to any other person who may be damaged or benefited by the proceedings. Such notice shall be given in writing and may be served by any person authorized to serve civil process or by registered or certified mail.
- B. However, if the land is unoccupied and the owner or agent unknown or out of the commonwealth, the notice to such owner may be served by posting upon premises or by advertising in one (1) or more newspapers in such manner as the Board may order. At the time and place appointed therefor, the Board shall hear the parties and thereafter may cause such nuisance to be abated by entering upon any land and making such excavation as it shall deem necessary, and it shall also determine at whose expense the improvements shall be kept in repair and award the damage sustained by and benefits accruing to any person by reason of said improvement. The Board shall forthwith give notice of its decision by filing with the Town Clerk and by mailing a copy, postage prepaid, to the owner of the premises and the petitioners, unless the petitioner is the Board itself. The expense of making and keeping such improvements in repair shall be assessed by the Assessors upon the person benefited thereby, as ascertained by said decision, and shall be included in his/her taxes. This shall be a lien upon the land benefited thereby and shall be collected in the same manner as other taxes upon land.
- C. A person who is aggrieved by the decision of said Board may appeal therefrom to the Superior Court if, within seven (7) days after the decision, he or she files the decision with the Superior Court, stating the grievance and action of said Board thereon.

§ 147-4. EXCAVATIONS AND HAZARDOUS CONDITIONS.

[HISTORY: Amended 6-17-2002 STM, Art. 2, approved 10-3-2002]

An owner of land which has been excavated or constitutes a dangerous or hazardous condition shall erect barriers or take other suitable measures within five (5) days after such owner has been notified in writing by the Board of Selectmen that such excavation or dangerous or hazardous condition constitutes a hazard to the public safety. Violation of this section shall be punishable by a penalty not to exceed two hundred dollars (\$200.).