

TOWN OF RANDOLPH

41 SOUTH MAIN STREET
RANDOLPH, MASSACHUSETTS 02368
FAX: (781) 961-0919



BRIAN P. HOWARD
TOWN CLERK / REGISTRAR
TEL: (781) 961-0900

Thank you for purchasing a copy of the Town of Randolph's General Code. We hope that you find it informative.

This book has been updated prior to our 2007 Annual Town Meeting. We have enclosed copies of the bylaws accepted since that date by Town Meeting. The Attorney General has approved these bylaws.

Sincerely,

A handwritten signature in cursive script that reads "Brian P. Howard".

Brian P. Howard
Town Clerk/Registrar

amz
Attachments



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

August 20, 2007

Brian P. Howard, Town Clerk
41 South Main Street
Randolph, MA 02368

RE: **Randolph Annual Town Meeting of May 15, 2007 — Case # 4456**
Warrant Article # 9 (General)

Dear Mr. Howard:

Article 9 - I return with the approval of this Office the amendments to the town by-laws adopted under this Article on the warrant for the Randolph annual town meeting that convened on May 15, 2007.

The amendments adopted under Article 9 make a number of changes to Chapter 79, "Animals." One such change adds a new Section 79-7, "Vicious Dogs," which provides in pertinent part as follows:

(F). Transfer/Relocation

* * *

(2) Any owner, keeper or harbinger of any vicious dog who is changing residence or location within the Town of Randolph must immediately notify the Animal Control Officer. The owner, keeper or harbinger of any dog which has been determined to have met criteria similar to those set forth in this section for "vicious" dogs in any other city, town or county who is relocating to the Town of Randolph for more than ten (10) days must immediately notify the Animal Control Officer. Any owner, keeper or harbinger of any vicious dog who is relocating to another city, town or county shall immediately notify the Animal Control Officer, or person performing similar duties, in that city, town or county that the dog has been determined "vicious" by the Board of Selectmen.

(Emphasis added.)

In approving the above underlined text, we point out that we are unable to determine how the

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RANDOLPH
TOWN CLERK/REGISTRAR

town can enforce this provision once a person and pet have left the town since the town cannot enforce laws outside of its jurisdiction.¹ We suggest that the town discuss this issue in more detail with town counsel.

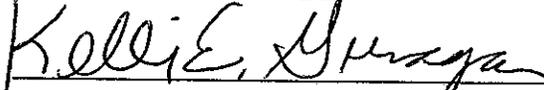
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL



by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

enc.

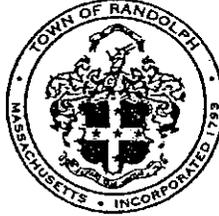
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Town Counsel

¹ The powers granted under the Home Rule Amendment do not permit local by-laws to regulate areas outside a municipality's geographical limit. *William B. Beard v. Town of Salisbury*, 378 Mass. 435, 441 (1979).

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FINAL VERSION OF BYLAW AS AMENDED

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

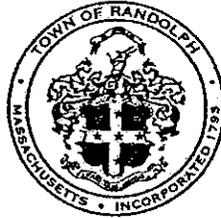
As used in this chapter, the following words and phrases shall have the following meanings:

"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.

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"Attack" - Conduct by a dog directed at a person or domestic animal consisting of biting or other act reasonably likely to cause injury or harm. This conduct shall include, but not be limited to, conduct by a dog if it is restrained by a leash, fence or other means, and it is clear that only the presence of the leash, fence, or other means of restraint prevents the dog from causing injury or harm to a person or to a domestic animal.

"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 cats 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" -

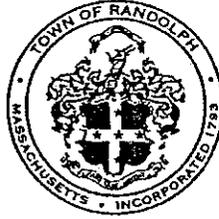
Includes corporations, societies, associations, partnerships, individuals and any persons or agencies or political subdivisions provided they show ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

"Vicious Dog" -

A dog which has been determined to be "vicious" pursuant to the provisions of this Chapter.

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B. LICENSES AND TAGS

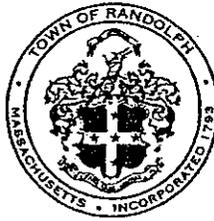
1. The owner or keeper of a dog within the town shall cause the dog to be initially licensed within 30 days if greater than six (6) months of age, or when it attains the age of six (6) months, and annually thereafter.
2. The Town shall issue dog licenses and license tags. The Town shall state upon each 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

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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 it's 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.

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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.

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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.

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(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

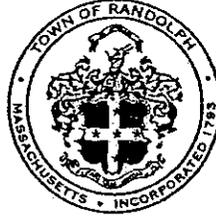
N. Fees to treasury. All money received from licenses or recovered as fines pursuant to this chapter shall be paid into the treasury of the town, and no portion thereof shall be retained, withheld or paid back to any town official or employee as compensation, nor shall said money be paid over to Norfolk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

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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 Vicious Dogs:

(A) Hearing by the Board of Selectmen.

(1) The Board of Selectmen at the request of the Animal Control Officer or upon the filing of a signed, written complaint with the Board of Selectmen in accordance with Chapter 140, § 157 of the Massachusetts General Laws, shall hold a public hearing to determine whether the dog which is the subject of the request or complaint is "vicious".

(2) A dog may be determined by the Board of Selectmen to be "vicious" if any of the following conditions have been demonstrated:

(a). The dog has attacked any person or domestic animal or has attempted to attack any person or domestic animal.

(b). The dog has a known propensity, tendency or disposition to attack persons or domestic animals.

(c). The dog acts in a highly aggressive manner when unprovoked within a fenced yard or enclosure and reasonably appears to the Animal Control Officer to be able to escape the area in which it is confined. Vocalization or barking, without more, shall not satisfy the requirement of this sub-section.

(d). The dog, whether leashed or not, has approached any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places.

(e). The dog is owned or harbored primarily for the purpose of dog fighting or has been trained for dog fighting.

(3) No dog shall be determined to be "vicious" in the following circumstances:

(a). At the time of the dog's conduct, the person attacked by the dog was committing criminal trespass or other tort upon premises occupied by the owner, keeper, or harbinger of the dog; was

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teasing, tormenting, abusing, provoking, or assaulting the dog; or was committing or attempting to commit a crime.

(b). At the time of the dog's conduct, the domestic animal attacked by the dog was attacking the dog.

(c). At the time the dog attacked a domestic animal, the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of its owner, harborer, or keeper and the injury was to a species or type of domestic animal appropriate to the work of the dog.

(d). At the time of the dog's conduct it was protecting or defending a person within the immediate vicinity of the dog from an attack or assault by another person or animal.

(e). At the time of the dog's conduct it was performing duties as a military, correctional or police-owned dog and its conduct was such as is reasonably contemplated by those duties.

(f). At the time of the dog's conduct it was reacting to pain or injury, or was protecting itself, its kennel, or its offspring.

(B) Duties of Board of Selectmen When Dog is Determined "Vicious."

(1) When the Board of Selectmen determines that a dog is "vicious" after hearing, the Board of Selectmen shall order the following:

(a). Spaying or neutering, if the dog is not already altered; provided, however, that no such order shall issue if a licensed veterinarian certifies in a written statement that the dog is unfit for alteration because of a medical condition.

(b). Positive identification of the dog as "vicious". The preferred means of positive identification shall be microchip identification, but a permanent tattoo approved by the Animal Control Officer is acceptable.

(c). Behavior evaluation from a Certified Veterinary Behaviorist, as determined by the Animal Control Officer; and

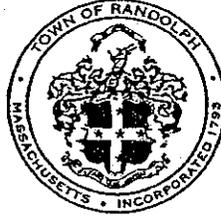
(d). Rabies vaccination as required by Chapter 140 § 145B of the Massachusetts General Laws, if the dog is not current on its annual vaccinations. Vaccination shall be ordered unless a licensed veterinarian certifies in writing that the dog's vaccination is current in accordance with the requirements of law.

(2) When the Board of Selectmen determines that additional protection for the public is necessary in addition to the measures set forth in sub-section (1)(a)-(d), above, the Board of Selectmen may order any of the following additional measures:

(a). A requirement that when the dog is removed from a secure area, such as indoor or outdoor confinement, the dog must be securely muzzled at all times. The muzzle must be approved by the Animal Control Officer so as not to interfere with normal breathing while at the same time it is effective to prevent the dog from biting.

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(b). Additional reasonable confinement measures, which may include additional fencing, enclosures or signage.

(c) Limitations as to which person or persons are allowed to remove the dog from indoor or outdoor confinement.

(d). Other actions which the Board of Selectmen deems appropriate. These additional actions may include destruction of the dog by euthanasia if, based upon the evidence presented at the hearing, the Board of Selectmen finds in writing that the measures set forth in sub-section (1)(a)(d) and in sub-section (2)(a)-(c), above, are not reasonably likely to prevent future injury to persons or to domestic animals. Such order shall comply with the provisions of Chapter 140, Section 157 of the General Laws of Massachusetts.

(3) All costs involved regarding any orders of the Board of Selectmen with regards to maintaining a vicious dog in the Town of Randolph shall be borne by the owner/keeper or harbinger of said dog.

(C). Compliance

After a dog has been determined to be "vicious", the Animal Control Officer shall maintain all records pertaining to that dog and shall take all steps necessary to ensure that the owner/keeper or harbinger complies with all orders of the Board of Selectmen pertaining to that dog.

(D). Confinement

(1) Outdoor Confinement. No person shall own, keep or harbor, or allow to be upon any premises occupied by him under his charge or control, any vicious dog unless the dog is confined behind a secure fence. The fence must be approved by the Animal Control Officer. Such dog may not be taken out of the secure enclosure

unless the dog is leashed on a leash no longer than four (4) feet in length. The dog must be under control of a responsible person eighteen (18) years of age or older. No such dogs are allowed on or within five hundred (500) feet of any parks, playgrounds, school yards or open space that is owned by the town or other governmental entity, whether at large or under restraint.

(2) Indoor confinement. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building of its own volition. In addition, no such dog may be kept in a house or structure where the windows are open or where screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(E). Signs.

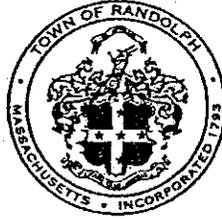
All owners, keepers, or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of Dog". In addition, a similar sign is required to be posted by the kennel or pen of such dog. These signs must be easily read by a child and approved by the Animal Control Officer.

(F). Transfer/Relocation

(1) No vicious dog shall be given away, sold or bartered to any person or entity located within the town of Randolph unless the new owner/keeper or harbinger complies with the requirements imposed

TOWN OF RANDOLPH

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BRIAN P. HOWARD
TOWN CLERK / REGISTRAR
TEL: (781) 961-0900

under this section.

(2) Any owner, keeper or harborer of any vicious dog who is changing residence or location within the Town of Randolph must immediately notify the Animal Control Officer. The owner, keeper or harborer of any dog which has been determined to have met criteria similar to those set forth in this section for "vicious" dogs in any other city, town or county who is relocating to the Town of Randolph for more than ten (10) days must immediately notify the Animal Control Officer. Any owner, keeper or harborer of any vicious dog who is relocating to another city, town or county shall immediately notify the Animal Control Officer, or person performing similar duties, in that city, town or county that the dog has been determined "vicious" by the Board of Selectmen.

(G). Licensing Surcharge

The annual licensing fee for a vicious dog shall include a fifty dollar (\$50) surcharge in addition to the regular licensing fee. The surcharge required by this provision shall be enforced by the Animal Control Officer.

(H). Enforcement

(1) If thirty (30) days expire following receipt by the owner/keeper or harborer of written notification that the dog has been determined to be "vicious", an owner/keeper or harborer who is not in compliance with any of the provisions of this section shall be subject to a fine of one hundred dollars (\$100). Each day that the owner is not in compliance with any provision shall constitute a separate offense.

(2) If any vicious dog is found running at large or is in violation of the provisions of this section, it shall immediately be impounded by the Animal Control Officer. Upon required notice, a hearing shall be held by the Board of Selectmen, following which the Board of Selectmen shall determine what measures are necessary to reasonably protect the public safety, including destruction of the dog by euthanasia..

§ 79-8

Any dog found running at large shall be impounded by the Animal Control Officer. The impoundment fee shall be borne by the owner/keeper or harborer whether or not such dog is reclaimed. If such dog is not reclaimed within ten (10) days of such impoundment, the animal may be disposed of by adoption or by euthanasia, which determination shall be made by the Animal Control Officer.

79-9

§ 79-9. 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.

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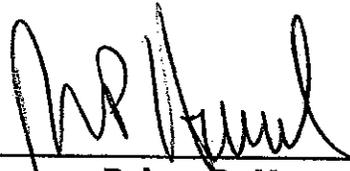
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§ 79-10. Repealer.

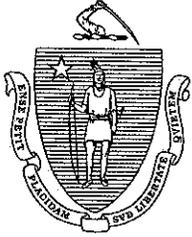
This chapter supersedes and replaces Article Seven, Section 21 (ATM 3-18-74), Section 21A (ATM 3-20-72), Sections 21B and 21C (STM 2-22-93) and Section 21C (ATM 6-21-93).

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

TRUE COPY ATTEST:



Brian P. Howard



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL

(413) 784-1240
www.ago.state.ma.us

April 14, 2008

Brian P. Howard, Town Clerk
41 South Main Street
Randolph, MA 02368

**RE: Randolph Special Town Meeting of December 3, 2007 ---Case # 4616
Warrant Article # 4 (General)
Warrant Articles # 1 and 7 (Zoning)**

2008 APR 16 A 10:39
RANDOLPH
TOWN CLERK/REGISTRAR

Dear Mr. Howard:

Articles 4 and 7 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Randolph special town meeting that convened on December 3, 2007.

Article 1 - I return with the approval of this Office the amendments adopted under this Article, except as provided below.

The amendments adopted under Article add to the town's zoning by-laws a new Section 200-14.1, "Multifamily Affordability Overlay District." Subsection 200-14.1 (A) and (B) provide in pertinent part as follows:

A. Purpose.

The purpose of Multifamily Affordability Overlay District is to promote the development of affordable multifamily housing for the community. This purpose is to be achieved by modifying the dimensional restrictions in the Residential Multifamily District provided in Section VI of the Zoning Bylaws; provided, however, that the applicant complies with the requirements below.

B. Requirements.

1. The district lot shall be that lot, consisting of 38.291 acres of land, shown on a plan of land entitled "Plan of Land in Randolph, MA, Presidential Acres, 1-384 Chestnut West, Randolph, Massachusetts 02368"

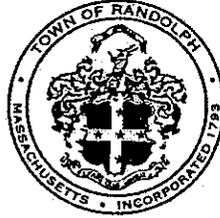
* * *

4. Performance of mitigation measurers imposed by the Board of Selectmen, which



TOWN OF RANDOLPH

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TOWN CLERK / REGISTRAR
TEL: (781) 961-0900

WARRANT ARTICLE

ARTICLE 4

To see if the Town will vote to amend the §166-1 of the General Bylaws by adding the following as new §166-1.1, or take any other action related thereto:

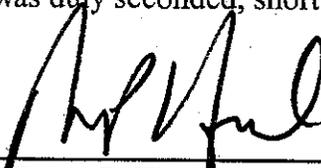
§166-1.1 Roadside Memorials

- A. For the purposes of this §166-1.1, the term "roadside memorial" shall be defined as any items, including without limitation balloons, flowers, pictures, stuffed animals and religious items, placed within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way, at or near the site of a non-fatal or fatal accident or occurrence.
- B. Roadside memorials pose public safety hazards by creating distractions for the motoring public and interfering with the flow of pedestrian and motor vehicle traffic.
- C. Roadside memorials hinder proper maintenance of the public right of way.
- D. Because of the temporary nature of roadside memorials, it is expressly found that after a short time the person or persons who have placed roadside memorials have intentionally abandoned them.
- E. No roadside memorial shall be left on or within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than thirty (30) days.
- F. The Superintendent of the Department of Public Works shall cause to be removed and discarded any roadside memorial left within the right of way of a public way, street, sidewalk, walkway or way maintained and used as a public way for more than thirty (30) days.

Mr. GOLDSTEIN: Move to amend the General Bylaws of the Town by adding Section 166-1.1A-F concerning Roadside Memorials, the text of which is printed in the warrant.

(The motion was duly seconded, short discussion, and the motion was carried.)

TRUE COPY ATTEST:



Brian P. Howard



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL

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www.ago.state.ma.us

August 18, 2008

Brian P. Howard, Town Clerk
41 South Main Street
Randolph, MA 02368

RE: Randolph Annual Town Meeting of May 27, 2008 --- Case # 4882
Warrant Articles # 6 and 7 (General)

Dear Mr. Howard:

Articles 6 and 7 - I return with the approval of this Office the amendments to the town by-laws adopted under these Articles on the warrant for the Randolph Annual Town Meeting that convened on May 27, 2008.

Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 117

2008 AUG 19 A 10:5

RANDOLPH
TOWN CLERK/REGISTRAR

enc.
pc:

Town Counsel

TOWN OF RANDOLPH

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BRIAN P. HOWARD
TOWN CLERK / REGISTRAR
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WARRANT ARTICLE

ARTICLE 6

THE MODERATOR: With respect to Article 6, because I am the owner of a property within the area that would be affected by the Article and therefore have a financial interest in its outcome, I would ask for unanimous consent to permit Mr. Toomey to assume the Chair and preside over discussion on this Article.

Are there any objections? Hearing none, I declare unanimous consent achieved and ask Mr. Toomey to come forward for discussion on Article 6.

To see if the Town will vote to amend Section 166-8 of the Town's Bylaws by adding after the word "below" the following:

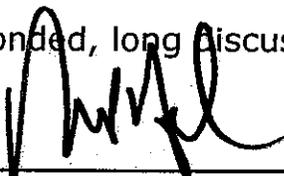
"and in connection with or related to such removal or the provision of underground replacement facilities, shall install all underground construction and conduits, conductors and associated equipment necessary to provide and receive utility service between the service facilities in the building or structure being served and that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs", and to take any other action related thereto.

MR. GOLDSTEIN: Move to amend Section 166-8 of the General Bylaws of the Town by adding after the word "below" the language:

"and in connection with or related to such removal or the provision of underground replacement facilities, shall install all underground construction and conduits, conductors and associated equipment necessary to provide and receive utility service between the service facilities in the building or structure being served and that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs."

(The motion was duly seconded, long discussion, and the motion was carried.)

A TRUE COPY ATTEST:



Brian P. Howard

TOWN OF RANDOLPH

41 SOUTH MAIN STREET
RANDOLPH, MASSACHUSETTS 02368
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BRIAN P. HOWARD
TOWN CLERK / REGISTRAR
TEL: (781) 961-0900

WARRANT ARTICLE

ARTICLE 7

To see if the town will vote to amend Chapter 79-4, Section K, by deleting the current wording:

Chapter 79-4 (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 fines set forth in G.L. Chapter 140, section 173A.

and replacing it with the following:

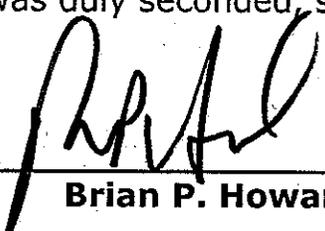
Chapter 79-4 (K): The owner of any dog found by the Animal Control Officer or Police Department to be unleashed or unsecured and have bitten or attacked a person or another domesticated animal shall be subject to a fine as follows: \$50 for each offense.

Mr. GOLDSTEIN: Move that Chapter 79-4, Section K of the General Bylaws of the Town be deleted and replaced with the following:

"Chapter 79-4(K): The owner of any dog found by the Animal Control Officer or Police Department to be unleashed or unsecured and to have bitten or attacked a person or another domesticated animal shall be subject to a fine as follows: \$50 for each offense."

(The motion was duly seconded, short discussion and the motion was carried.)

A TRUE COPY ATTEST:



Brian P. Howard



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL

(413) 784-1240
www.mass.gov/ago

March 10, 2009

Brian P. Howard, Town Clerk
41 South Main Street
Randolph, MA 02368

RE: **Randolph Special Town Meeting of December 2, 2008 - Case # 4978**
Warrant Article # 8 (General)

2009 MAR 12 A 10:13
RANDOLPH
TOWN CLERK'S OFFICE

Dear Mr. Howard:

Article 8 - We return with the approval of this Office the amendments to the Town by-laws adopted under this Article on the warrant for the Randolph Special Town Meeting that convened on December 2, 2008. Our comments on Article 8 are provided below.

The amendments adopted under Article 8 add to Chapter 83 of the Town's general by-laws a new Section 83-2, "Regulating the Security and Maintenance of Abandoned and/or Dilapidated Buildings Within the Town of Randolph." The proposed by-law is intended to protect public health and public safety by requiring the registration of all abandoned and dilapidated buildings in order to help expedite the prompt rehabilitation and permanent occupancy of such buildings. Section 83-2.020 of the proposed by-law defines terms used in the proposed by-law and provides in pertinent part as follows:

ABANDONED AND/OR DILAPIDATED BUILDING. Any residential, commercial or industrial building and/or premises, where the Owner, by his or her action or inaction, has failed to correct a material health and/or safety condition at the building or premises or on the surrounding Property. A material health and/or safety condition may be found where the health, safety and welfare of the neighborhood is or may be at risk, such as:

A. Where a building is vacant for a length of time that is inconsistent with its use as a residential, commercial or industrial building and/or premises (the state of being vacant is not necessarily to be considered a prerequisite to a finding of Abandonment and/or Dilapidation); or

B. Where there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods;
or

C. Where a building is not safe and/or structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access; or

D. Where the structural vandalism of a building or grounds has gone unrepaired; or

E. Where a lack of maintenance or use and/or a deterioration of the building and/or premises promotes a degradation of the surrounding neighborhood affecting the public health, public safety, security, general welfare and quiet enjoyment of occupants, and abutters.

ABANDONMENT. A building in the state of Abandonment is one which shows Evidence of Abandonment as defined below and is vacant or occupied by a person without a legal right of occupancy, and may be subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale, and/or part of any real Property conveyed via a Foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or part of any real Property conveyed via a deed in lieu of Foreclosure/sale. Indicia of Abandonment shall include without limitation no or inadequate response to requests from officials of the Town of Randolph for verification of ownership and/or to orders to repair to such Property for more than thirty (30) days after issuance of such requests and/or orders.

* * *

DILAPIDATED. A Dilapidated building is one which shows signs of decay, strewn trash, deterioration, or full or partial ruination through neglect or misuse.

The definitions of "abandoned and/or dilapidated building," "abandonment," and "dilapidated" as provided in Section 83-2.020 of the proposed by-law are very broad and include very subjective standards. We strongly caution the Town that these definitions may be particularly susceptible to a constitutional challenge on the basis that they are vague and provide unguided discretion in determining whether enforcement under the proposed by-law is required.

Unguided discretion promotes potentially arbitrary and discriminatory decision making in violation of rights afforded under the United States Constitution, as applied to the states via the Fourteenth Amendment, and under the Massachusetts Declaration of Rights. "An essential principle of due process is that a statute may not proscribe conduct in terms so vague that [persons] of common intelligence must necessarily guess at its meaning." Commonwealth v. Quinn, 439 Mass. 492, 499 (2003) (quoting Commonwealth v. Sefranka, 382 Mass. 108, 110 (1980)) (internal quotations omitted). "A vague statute offends due process because of its lack of reasonably clear guidelines for law enforcement and its consequent encouragement of arbitrary and erratic arrests and prosecutions." Id. (quoting Sefranka, 382 Mass. at 110).

The above-referenced definitions in the proposed by-law include very subjective standards that give the Town broad discretion in determining whether enforcement is required. Moreover, it may be very difficult for people of limited means, disability, or advanced age to meet such neighborhood standards. One way to address this problem may be to amend the definitions to reference applicable provisions of the State Sanitary Code and other applicable

state laws and regulations. We strongly suggest that the Town discuss amending these definitions with Town Counsel.

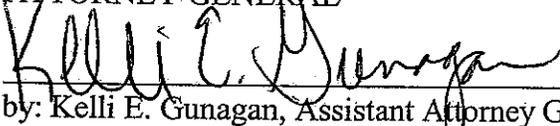
Note: Under G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of this section. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL


by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103-1629
(413) 784-1240, x 7717

enc.

cc: Town Counsel

TOWN OF RANDOLPH

41 SOUTH MAIN STREET
RANDOLPH, MASSACHUSETTS 02368
FAX: (781) 961-0919



BRIAN P. HOWARD
TOWN CLERK / REGISTRAR
TEL: (781) 961-0900

TOWN MEETING ACTION

SPECIAL TOWN MEETING - DECEMBER 2, 2008

ARTICLE 8

To see if the Town will vote to amend Chapter 83 of the Town's General Bylaws, as most recently amended, to add a new Section 83-1 as follows "§ 83-1. [RESERVED.]", and a new Section 83-2, regarding "Abandoned and Dilapidated Buildings" and as follows, or to take any other action related thereto.

Chapter 83, § 83-2. REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND/OR DILAPIDATED BUILDINGS WITHIN THE TOWN OF RANDOLPH

83-2.010 Purpose.

Abandoned and/or Dilapidated Buildings encourage blighted and unsecured properties; cause the surrounding neighborhood to suffer from stagnant or declining real estate values; and create significant maintenance and monitoring costs to the Town of Randolph.

Accordingly, it is the intent of this section to protect public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods by requiring the registration of all Abandoned and/or Dilapidated Buildings, as defined herein, and, by doing so, expedite the prompt rehabilitation and permanent occupancy of such buildings.

83-2.020 Definitions.

ABANDONED AND/OR DILAPIDATED BUILDING. Any residential, commercial or industrial building and/or premises, where the Owner, by his or her action or inaction, has failed to correct a material health and/or safety condition at the building or premises or on the surrounding Property. A material health and/or safety condition may be found where the health, safety and welfare of the neighborhood is or may be at risk, such as:

A. Where a building is vacant for a length of time that is inconsistent with its use as a residential, commercial or industrial building and/or premises (the state of being vacant is not necessarily to be considered a prerequisite to a finding of Abandonment and/or Dilapidation); or

B. Where there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods; or

C. Where a building is not safe and/or structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access; or

D. Where the structural vandalism of a building or grounds has gone unrepaired; or

E. Where a lack of maintenance or use and/or a deterioration of the building and/or premises promotes a degradation of the surrounding neighborhood affecting the public health, public safety, security, general welfare and quiet enjoyment of occupants, and abutters.

ABANDONMENT. A building in the state of Abandonment is one which shows Evidence of Abandonment as defined below and is vacant or occupied by a person without a legal right of occupancy, and may be subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale, and/or part of any real Property conveyed via a Foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or part of any real Property conveyed via a deed in lieu of Foreclosure/sale. Indicia of Abandonment shall include without limitation no or inadequate response to requests from officials of the Town of Randolph for verification of ownership and/or to orders to repair to such Property for more than thirty (30) days after issuance of such requests and/or orders.

BOARD OF SELECTMEN OR BOARD. The Board of Selectmen of the Town of Randolph.

CODE MANAGEMENT TASK FORCE. Pursuant to Chapter 61, Section 61-9 of the General Bylaws, the Code Management Task Force ("CMTF") coordinates the activities of various agencies involved in the enforcement of laws, bylaws, and regulations adopted to protect and promote the public health, public safety, security, general welfare and quiet enjoyment of the residents of the Town of Randolph.

DILAPIDATED. A Dilapidated building is one which shows signs of decay, strewn trash, deterioration, or full or partial ruination through neglect or misuse.

EVIDENCE OF ABANDONMENT. Any building and/or premise condition(s) that independently, or in the context of the totality of circumstances would lead a reasonable person to believe that a building is vacant or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (1) overgrown grass (1ft or higher) or noticeable amounts of dead vegetation; (2) accumulation of unclaimed newspapers, circulars, flyers or mail; (3) past due utility notices or disconnected

utilities; (4) accumulation of trash, junk or debris; (5) the absence of window coverings such as curtains, blinds or shutters; (6) the absence of furnishings or personal items consistent with residential habitation; (7) a swimming pool in such disrepair that a dangerous condition may exist; and/or (8) reports by neighbors, passersby, delivery agents, government employees that the building is vacant.

FORECLOSURE. The process by which Property, used as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

NEIGHBORHOOD STANDARD. The condition of buildings and premises that prevails in and throughout the neighborhood where an Abandoned and/or Dilapidated Building is located. No Abandoned and/or Dilapidated Building shall be considered in determining this standard.

OWNER. Every person, entity, service company, Property manager or realtor, who alone or severally with others: (1) has legal or equitable title to any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate; or (3) is a mortgagee in possession of a building and/or premises; or (4) is an agent, trustee, or other person appointed by the court and vested with possession or control of a building and/or premises; or (5) is an officer or trustee of the association of unit Owners of a condominium (each such person is bound to comply with the provisions of this bylaw as if he were the Owner); or (6) operates a rooming house; or (7) is a trustee who holds, owns, or controls mortgage loans or mortgage-backed securities transactions and has initiated Foreclosure. The Owner, as defined herein, may also be referred to as the "Responsible Person" in this chapter.

PROPERTY. Any unimproved or improved real Property, or portion thereof, including but not limited to buildings or structures located on said Property, regardless of condition.

THIS SECTION or BYLAW. Section 83-2 of Chapter 83 of the Town of Randolph's General Bylaws, entitled, "REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND/OR DILAPIDATED BUILDINGS WITHIN THE TOWN OF RANDOLPH."

83-2.030 Registration, Failure to Register, Change of Ownership.

Within forty-five (45) days of a building becoming Abandoned and/or Dilapidated, as determined by the CMTF pursuant to this Section, the Owner of such building shall register said building with the Police Department, Building Department and Health Department by providing each department, on a form to be provided by such department, the name, address, telephone number of the Owner of the building, the street address of the building and the map, block and parcel number of such building. If the Owner does not reside in the Commonwealth of Massachusetts, then the registration form shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service

of process on behalf of the Owner and who shall be designated as the Owner's agent for purpose of receiving all notices issued pursuant to this Section.

Failure to register an Abandoned and/or Dilapidated Building shall be a violation of this Section. Each department, as referred to above, shall be immediately notified by the Owner of an Abandoned and/or Dilapidated Building if the ownership of said building changes subsequent to registration.

83-2.040 Annual Registration Fee, Failure to Pay.

On or before November 15th of each calendar year the Owner of any Abandoned and/or Dilapidated Building shall pay to the Town of Randolph an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building. The annual registration fee shall be set by the Board of Selectmen pursuant to Chapter 40, Section 22 F of the General Laws of the Commonwealth. Failure to pay the annual registration fee shall be a violation of this Section, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and any fines issued for violations of this Section, shall constitute a "municipal charges lien" on the Property to be collected in accordance with M.G.L. c. 40, Section 58.

83-2.050 Security and Maintenance Requirements.

The Owner, as that term is defined herein, shall secure buildings subject to registration pursuant to this Section in a such a manner as to prevent access by unauthorized persons, including but not limited to the following: (1) closing and locking of windows, doors (walk-through, sliding and garage), gates, swimming pools and any other opening of such size that it may allow a child to access the interior of the building; (2) re-glazing or boarding of any broken window; and (3) if directed to do so by the Town of Randolph, implement additional maintenance and/or security measures, including installing additional security lighting, increasing the frequency of on-site inspections, employing an on-site security guard(s), disconnecting utilities and removing meter boxes, or implementing other measures as may be required to stop the structural decline of the Abandoned and/or Dilapidated Building and prevent unauthorized entry.

83-2.060 Inspections and Posting.

If the Responsible Person is a corporation and/or out-of-area beneficiary/trustee/Owner, a local Property manager shall be hired to perform weekly inspections of the Abandoned and/or Dilapidated Building to verify that the requirements of this bylaw and any other applicable laws are being complied with.

The Abandoned and/or Dilapidated Building shall be posted with the name and 24-hour contact phone number of the local Property manager. The posting shall be no less than 18 inches by 24 inches and shall be legible from a distance of 45 feet. The posting shall contain the words:

"THIS PROPERTY MANAGED BY [add name of Property manager]" and "TO REPORT PROBLEMS OR CONCERNS PLEASE CALL [add 24-hour contact phone number]"

The posting shall be visible from the street and placed on the interior of a window of the Abandoned and/or Dilapidated Building that faces the main street or secured to the front exterior of the building facing the main street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the main street but not readily accessible to vandals. Exterior posting must be constructed of, and printed with weather resistant materials.

83-2.070 Billing Statement.

On or before October 15th of each calendar year, the Town of Randolph shall send a billing statement, setting forth the required registration fee, to the Owner of the Abandoned and/or Dilapidated Building. The registration fee, as set by the Board pursuant to Subsection 83-2.040, shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

83-2.080 Appeal.

Any Owner aggrieved by the requirements of this Section may appeal such requirements and/or such fee in writing to the Board of Selectmen no later than fifteen (15) calendar days after the receipt of the billing statement. The appeal request must be accompanied by a non-refundable appeal cost to be set by the Board pursuant to Chapter 40, Section 22 F of the General laws of the Commonwealth. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal. If, upon appeal, the decision of the Board is adverse to the Owner, the payment of the registration fee shall be due within ten (10) calendar days of such decision.

83-2.090 Other Violations.

The provisions of this Section are in addition to, and not in lieu of, any and all other applicable provisions of the General Bylaws of the Town of Randolph or any provisions of the Zoning Bylaws or any applicable regulations and laws of the Commonwealth of Massachusetts and/or the Town of Randolph.

83-2.100 Enforcement, Fine.

A violation of this Section, either by failing to register an Abandoned and/or Dilapidated Building, failing to pay the registration fee or otherwise, shall be subject to a fine of Three Hundred Dollars (\$300.00) per offense and each day that the violation is outstanding shall constitute a separate offense. The Health Agent and/or any Police Officer of the Town of Randolph or any official designee of the CMTF shall have the right to enforce this Section pursuant to the non-criminal disposition procedures set forth in Chapter 1, Section 1-6 of the Town of Randolph's General Bylaws. This Section shall not supersede, preempt or negate any individual department's statutory authority to act independently on such matters.

83-2.110 Severability.

If any provision of this Section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

83-2.120 Notice.

A copy of this bylaw shall be mailed by CMTF to all Owners of Abandoned and/or Dilapidated Buildings located in the Town of Randolph. The CMTF shall also mail a copy of this bylaw to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential, commercial or industrial Property located in the Town of Randolph, to the extent that such information is readily ascertainable and accessible from records on file with Town of Randolph or elsewhere.

Fin Com motion:

Moved to accept the by-law as presented.

Fin Com Vote

7 in favor 1 opposed (11/06/08)

Discussion

(As petitioned for by the Board of Selectmen.)

(The motion was duly seconded, short discussion and the motion was passed.)

VOTED: DECEMBER 2, 2008

A TRUE COPY ATTEST:



Brian P. Howard