

Chapter 1

GENERAL PROVISIONS

GENERAL REFERENCES

Fines — See Ch. 301.

§ 1-1. Time limit for prosecution of violations.

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

§ 1-2. When effective.

These ordinances shall take effect from and after their adoption by the Town Council, as provided by law.

§ 1-3. Repealer.

Upon adoption by the Town Council, as may be provided by law of these ordinances, all previous ordinances now or heretofore in force shall become null and void, except for the following, which are specifically saved from repeal:

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action establishing or amending Classification, Salary, Wage and Miscellaneous Compensation Schedules is not hereby repealed.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Corporation Table of Source Sections or Distribution of Legislation List," on file with the Town Clerk, is not hereby repealed and shall instead continue in full force and effect until further action of the Town Council.

§ 1-4. Amendment of ordinances.

These ordinances may be amended at any meeting of The Town Council, in accordance with the Town Charter.

§ 1-5. General penalty.

The penalty for breach of any ordinance, unless otherwise provided for herein, shall be a fine in accordance with the fine schedule.¹ The penalty

1. Editor's Note: See Ch. 301, Fines.

provided shall be applicable to all Town Ordinances which do not otherwise provide for a penalty.

§ 1-6. Remediation.

The violator shall be required to remedy the violation in addition to the fine.

§ 1-7. Code Enforcement Officer.

The Town may appoint one (1) or more persons to enforce the compliance of the Town General and Zoning Ordinances, state laws and regulations and wetland rules.

§ 1-8. Municipal Hearing Officer.

The Town shall appoint one (1) or more persons to act as the Municipal Hearings Officer. The Hearings Officer shall act as the appeal process between the Code Enforcement Officer and the Violator.

§ 1-9. Noncriminal disposition.

- A. Any person who violates any ordinance shall be fined in accordance with the fine schedule or penalty section of the General Ordinances of the Town of Randolph.²
- B. The enforcing person shall make a record of complaint, in the form of a "Violation Notice," and shall include to the extent possible, name and address of person violating; name and address of owner of the property to which the violation has taken place; date, time, and motor vehicle registration number. In the event that the violator refuses to provide the above-noted requested information, or in the event that such any information provided by the violator proves to be false, then said person may be fined additionally in accordance with the General Ordinances of the Town of Randolph. The enforcing person shall give the violator a notice of the violation and fine, if in the event the enforcing person can not hand deliver the violation notice, the notice may be sent by certified mail, return receipt requested, to the last known address of the offender, or the address where the violation took place. A copy of each "Violation Notice:" shall be sent to the owner of real estate for the location where the violation took place.
- C. No person, being the landlord or person in charge of a residential structure shall permit, or suffer, the repeated violations of these ordinances, after such notice thereof. The legal owner of real property within the Town of Randolph may be fined additionally for repeated violations in accordance with the General Ordinances of the Town of Randolph. It shall be considered a defense that the landlord or person in charge of a residential structure shall have made a good faith effort including the seeking of a court order to prevent said violations.

2. Editor's Note: See Ch. 301, Fines.

- D. Fine and Violation may be disposed of pursuant to MGL c. 40, § 21D, by the non-criminal disposition procedures stated, however, that if a violator fails to follow the procedure and requirements of said section, the fines shall become a lien on the property of the real property, or shall be recovered by indictment or a complaint pursuant to MGL c. 40, § 41, as well as MGL c. 40U. **[Amended 9-23-2013 by Ord. No. 2013-010]**
- E. The Local Code Enforcement Officer shall indicate on the notice of violation that the violation is either 1) a written warning or 2) a code violation. If the notice is for one (1) or more violations, the Code Enforcement Officer shall indicate on the notice the scheduled assessments for each violation alleged. If the notice is for a continuing condition, the Code Enforcement Officer shall indicate that the condition must be corrected within twenty-four (24) hours of receipt of such notice. Failure to correct condition within twenty-four (24) hours may serve as grounds for criminal prosecution.
- F. The Violator may appeal any decision of the Code Enforcement Officer to the Municipal Hearings Officer. The Appeal must be initiated within fourteen (14) calendar days of the person receiving such notice. The Hearings Officer shall act on the request for a hearing within fourteen (14) calendar days of receiving notice.
- G. Final disposition. Any person notified to appear before the Clerk of a District Court as hereinbefore provided may so appear and confess the offense charged either personally or through a duly authorized agent or by mailing to the Town Clerk of the Town of Randolph, together with the notice, such specific sum of money as the Town shall fix as penalty for violating the ordinance, rule or regulation. Such payment shall, if mailed, be made only by postal notice, money order. Upon receipt of the notice, the Town Clerk shall forthwith notify the District Court Clerk of such payment, and the receipt by the District Court Clerk of such notification shall operate as a final disposition of the case. The case shall be governed by the provisions of MGL c. 40, § 21D.

The fines defined herein shall become a priority municipal lien on the real property in accordance with MGL c. 40U, as adopted. **[Added 9-23-2013 by Ord. No. 2013-010]**

Chapter 4

AUDIT, ANNUAL

§ 4-1. Supervision.

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

Chapter 9

BOARDS, COMMITTEES AND COMMISSIONS

GENERAL REFERENCES

Finance Committee — See Ch. 17.

Town Manager — See Ch. 61.

Planning Board — See Ch. 42.

Water Commissioners — See Ch. 68.

Board of Recreation — See Ch. 53.

ARTICLE I

Terms of Office**[Adopted 4-18-1995 ATM by Art. 8, approved 10-27-1995]****§ 9-1. Committee members.**

- A. Unless otherwise authorized by the Massachusetts General Laws, the term of office of any member of a standing committee shall be three (3) years.
- B. Unless otherwise required by direction of the Town Manager or by state statute or by the requirements of a bond issue, the term of office of a member of a committee shall be one (1) year.

ARTICLE II

Community Preservation Committee

[Adopted 11-8-2004 ATM by Art. 1, approved 12-14-2004; amended 4-25-2005 ATM by Art. 4, approved 10-18-2005]

§ 9-2. Establishment.

The Randolph Community Preservation Committee is established consisting of nine (9) members pursuant to Chapter 44B of the General Laws of the Commonwealth.

§ 9-3. Appointment; membership.

The Randolph Community Preservation Committee shall be appointed by the Town Manager and shall consist of one (1) member each from as follows:

- A. For an initial term of three (3) years and thereafter upon reappointment for terms of three (3) years, or so long as such designee remains a member of such Committee or board, one (1) member of the Randolph Conservation Commission as designated by the Conservation Commission, one (1) member of the Historical Commission as designated by the Historical Commission, and one (1) member of the Randolph Planning Board as designated by the Planning Board. One (1) Community Member who is a Randolph resident, chosen by the Town Manager and one (1) Community Member who is a Randolph resident appointed by the Town Manager from the Randolph business community defined as those who own or operate a business within the limits of the Town of Randolph.
- B. For an initial term of two (2) years and thereafter upon reappointment for terms of three (3) years, or so long as such designee remains a member of such commission or board, one (1) member of the Recreation Commission as designated by the Recreation Commission; one (1) member of the Randolph Housing Authority as designated by the Housing Authority.
- C. For an initial term of one (1) year and thereafter for a term of three (3) years, one (1) resident from the community, appointed by the Town Manager.
- D. For an initial term of one (1) year and thereafter for a term of three (3) years, or so long as such designee remains a member of such board, one (1) member of the Town Council as appointed by the Council President and ratified by the Town Council.

§ 9-4. Duties regarding community preservation.

The Randolph Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards and hold one (1) or more public informational hearing(s) yearly on the needs, possibilities

and resources of the Town regarding community preservation. This meeting shall be publicly posted for each of two (2) weeks preceding a hearing in the local newspaper.

§ 9-5. Duties regarding acquisition of open space.

The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation, and preservation of open space, for the acquisition, preservation, rehabilitation, and restoration of historic resources, for the acquisition, creation, and preservation of land for recreational use, for the creation, preservation, and support of community housing and for the rehabilitation or restoration of open space, historical resources, land for recreational use, and community housing that is acquired or created as provided in the Community Preservation Act.³ With respect to community housing, the Community Preservation Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

§ 9-6. Recommendations regarding funding.

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

**§ 9-7. Exemption from Community Preservation Act surcharge.
[Added 2-25-2006 ATM by Art. 4, approved 10-17-2006]**

Applications for exemption from the Community Preservation Act Surcharge⁴ must be filed with the Office of the Board of Assessors no later than three (3) months after issuance of the actual real estate tax bill.

3. Editor's Note: See MGL c. 44B, § 1 et seq.

4. Editor's Note: See MGL c. 44B, § 4.

ARTICLE III

Town Property Advisory Committee

**[Adopted 5-15-2007 ATM by Art. 8, approved 8-20-2007; dissolved
October 2012]**

ARTICLE IV
Military Services Committee
[Adopted 6-24-2013 by Ord. No. 2013-034]

§ 9-8. Purpose.

The Purpose of the Committee shall be:

- A. To support veterans, active military, National Guard, reservists and their families,
- B. To offer Veterans, Active military, National Guard, reservists and their families the information necessary to obtain the rights and benefits that their situation warrants,
- C. To provide educational, training, and psychological forums/services to meet the needs as determined by the committee with the Director of Veterans Services for the Town of Randolph,
- D. To work with the Randolph Veterans Council,
- E. To address housing,
- F. To address suicide prevention and depression,
- G. To address re-entry issues that comes with deployment,
- H. To work with the Director of Veterans Services for the Town of Randolph in formulating programs that foster and promote the health and safety of American Military Personnel and their families.

§ 9-9. Membership.

- A. The membership of the Committee shall consist of at least one (1) member from every active post in the Town Of Randolph; and their Auxiliaries. This shall include the Commander or his/her designee and the Auxiliary President or his/her designee of the:
 - (1) American Legion.
 - (2) American Veterans of World War II, Korea and Vietnam (AMVETS).
 - (3) Disabled American Veterans (DAV).
 - (4) Veterans of Foreign Wars (VFW).
 - (5) Jewish War Veterans (JWV).
 - (6) Army Navy Union.
 - (7) Sons of AMVETS.
- B. Five (5) members with a background in areas such as, public policy, finance, law, psychological services, medical provider.

- C. Five (5) Randolph Residents with preference to veterans who are not members of the above organizations.
- D. The Director of Veterans Services in Randolph serving as ex-officio with voting rights (see voting rights).
- E. The President of the Town Council or his/her designee from the Council serving as ex-officio with no voting rights.

§ 9-10. Voting rights.

Each member shall have one (1) vote on all matters except the Director of Veterans Services in Randolph, who shall only vote to break a tie vote, and the representative of the Town Council who shall have no voting rights.

§ 9-11. Quorum.

A quorum shall be a simple majority of those members present and voting (by Yea, Nay, Abstention).

§ 9-12. Conduct of business.

To conduct business, at least ten (10) of the members must be present during the meeting.

§ 9-13. Meetings.

Meetings shall be held according to a schedule determined by the Committee, but a meeting shall be held at least monthly.

§ 9-14. Outside services.

The Committee may enter into agreements with outside service providers.

§ 9-15. Finances.

- A. The Committee shall have the authority to raise funds to carry out programs and to provide services without general appropriation of the Town.
- B. The Committee may petition the Town through its Town Council to request voluntary contribution of its residents and tax payers through the Town's Tax and or Utility billing.
- C. All vouchers, payments or expenditures must be signed by at least four (4) members and the Veterans Agent.

§ 9-16. Staff.

The Director of Veterans Services shall provide for a member of their staff to carry out the day to day clerical functions of this committee and should

the Randolph Veterans Council request such assistance that of the Randolph Veterans Council.

ARTICLE V

Historic District Study Committee
[Adopted 4-28-2014 by Ord. No. 2014-009]**§ 9-17. Establishment; authority.**

The Town of Randolph, acting through the Randolph Town Council, establishes a historic district study committee in accordance with MGL Chapter 40C, which states as follows:

The study committee shall consist of not less than three nor more than seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

§ 9-18. Membership.

The Committee shall consist of seven (7) members.

Chapter 12**TREASURER****§ 12-1. Redemption of tax title real estate.**

- A. Pursuant to the provisions of MGL c. 60, § 62A, the Treasurer of the Town of Randolph ("Town") may enter into a written payment agreement ("Agreement") with any person(s) entitled to redeem ownership of parcels of real estate ("Redeemer") which have been taken by the Town as a result of non-payment of real estate taxes. The Agreement shall be executed by the Town and Redeemer and shall set forth the terms and conditions for payment of the delinquent taxes interest and any other costs, fees or charges associated with same.
- B. The Redeemer of the following assessment categories of real property shall be eligible to enter into an Agreement provided for in the preceding paragraph:
 - (1) Commercial property; and
 - (2) Residential property.
- C. The following conditions must be met prior to the Treasurer and Redeemer entering into an Agreement:
 - (1) The Town has not filed a petition to foreclose the rights of redemption with the Land Court and the recording date of the Instrument of Taking recorded in the Norfolk Registry of Deeds or Norfolk Registry District of the Land Court must be no more than ten (10) years from the date of the proposed Agreement;
 - (2) All real estate taxes due for the current fiscal year assessed against the parcel must be paid to date;
 - (3) The Redeemer, at the time of execution of said Agreement, must pay to the Town a minimum of twenty-five percent (25%) of the amount due to redeem the Parcel. The Redeemer must then agree to pay the remaining balance due to the Town in three (3) equal installments over a period not to exceed three (3) years, with one (1) installment payment due each year.
- D. After the Town has received the initial installment and two (2) additional installment payments pursuant to the Agreement, the Redeemer shall be entitled to a credit equal to fifty percent (50%) of the accrued interest on the delinquent tax amount. This credit shall be applied against the final installment due under the Agreement.
- E. During the term of the Agreement, the Treasurer may not bring an action to foreclose the tax title of the Redeemer unless payments are not made in accordance with the schedule provided in the Agreement or

timely payments are not made on other amounts due to the municipality that are a lien on the same parcel.

Chapter 17

FINANCE COMMITTEE

Chapter 18

FINANCES

GENERAL REFERENCES

Finance Committee — See Ch. 17.

Junk/Unregistered vehicles — See Ch. 176.

Licenses and permits — See Ch. 127.

Fees — See Ch. 300.

§ 18-1. Certain charges to be included as liens. [Amended 4-25-2006 ATM by Art. 32, approved 10-17-2006]

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

§ 18-2. Credit cards and debit cards. [Added 11-2-1999 STM by Art. 73, approved 1-31-2000]

Town Council hereby authorizes Town departments, committees and commissions, to use Credit Cards and Debit Cards for collection of fees, fines and penalties pursuant to any policies, as approved by the Town Manager.

Chapter 27

LANDSCAPE REVIEW BOARD

Chapter 31

MEETINGS

§ 31-1. Town Charter.

Refer to the Town Charter.

§ 31-2. Petitions.

The Town Council shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred fifty (150) voters, or more and which seeks the passage of a measure. The hearing shall be held by the Town Council, or by a committee or subcommittee thereof and the action by the Town Council shall be taken not later than three (3) months after the petition is filed with the Clerk of the Council as may be appropriate. Hearings on two (2) or more petitions filed under this section may be held at the same time and place. The Clerk of the Council shall mail notice of the hearing to the ten (10) persons whose names appear first on the petition at least forty-eight (48) hours before the hearing. Notice, by publication, of all such hearings shall be at public expense.

§ 31-3. Reports. [Amended 11-9-1998 STM by Art. 9, approved 2-8-1999]

Refer to the Town Charter, Town Manager, Powers and Duties, Section 3-2.

Chapter 36**OFFICERS AND EMPLOYEES****GENERAL REFERENCES**

Finances — See Ch. 12.

Personnel — See Ch. 39.

ARTICLE I
Town Clerk

§ 36-1. Reports and records.

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

§ 36-2. Zoning Code. [Added 5-10-2000 ATM by Art. 4, approved 9-27-2000]

The Town Clerk is the responsible Town department head to allocate the reference numbers and update the Zoning Code.⁵

5. Editor's Note: See Ch. 200, Zoning.

ARTICLE II
Office Hours

§ 36-3. Hours established.

The doors of the offices of all Town departments shall be kept open at all times during the conduct of regular Town business; hours at the Town Hall shall be posted.

ARTICLE III
Town Treasurer⁶

§ 36-4. Disposal of property.

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

6. Editor's Note: See also Ch. 12, Finances.

Chapter 39**PERSONNEL****Chapter 42****PLANNING BOARD****GENERAL REFERENCES**

Zoning — See Ch. 200.

§ 42-1. Establishment; terms of members. [Amended 4-16-1996 ATM by Art. 10, approved 7-29-1996; 10-15-2012]

A board of five (5) members is hereby established to be known as the "Planning Board." The terms of members shall be five (5) years. They shall be appointed by the Town Manager and ratified by the Town Council.

§ 42-2. Town Planner.

The Town Manager shall have the power to appoint a Town Planner.

§ 42-3. Vacancies. [Amended 4-16-1996 ATM by Art. 10, approved 7-29-1996]

(Reserved)

§ 42-4. Powers and duties. [Amended 4-16-1996 ATM by Art. 10, approved 7-29-1996]

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

§ 42-5. Review of plans.

See Site Plan and Design Review in the Zoning Ordinances, §§ 200-90 through 200-100.

§ 42-6. Zoning Code. [Added 5-10-2000 ATM by Art. 4, approved 9-27-2000]

(Now § 36-2.)

Chapter 45**PROPERTY, SALE OF****§ 45-1. Approval or disapproval by Town Council.**

- A. On all open areas, agricultural areas or farm areas, etc., where the Town has the right of first refusal on a proposed sale of the above-mentioned land, and on any land offered to the Town for purchase, it shall be mandatory that, before said sale takes place, a Council Order shall be presented to the Town Council at a regular or Special meeting of the Town Council for purchase approval or disapproval by the Town Council.
- B. Should the Town Council vote to purchase said property, the Town Manager shall report back to the Town Council within fourteen (14) days the financial mechanism by which Town Council shall finance said purchase and an order to carry that out. **[Added 10-15-2012]**

Chapter 48**PUBLIC WORKS, DEPARTMENT OF****GENERAL REFERENCES**

Sewers and drainage — See Ch. 161.

Water — See Ch. 192.

§ 48-1. Public hearing on rate changes.

The Town Council shall hold a public hearing before any change is acted upon by the Town Council for any water, sewer, betterments or related charges. Such hearing shall be publicly advertised in local newspapers at least fourteen (14) days before such public hearings.

Chapter 50**PURCHASING AND CONTRACTS**

§ 50-1. Award of contracts to Town officials.

No elected or appointed member of any committee or board in the Town of Randolph shall be awarded any contract to be exercised in the Town of Randolph, the value of which is in excess of one thousand dollars (\$1,000) unless said contract was open to competitive bidding.

§ 50-2. Purchasing procedure.

The Town of Randolph shall use the Mass. Uniform Procurement Act, MGL c. 30B.

Chapter 53**RECREATION, BOARD OF****GENERAL REFERENCES**

Credit and debit cards — See Ch. 18, § 18-2.

There shall be a Board of Recreation to consist of seven (7) members.

The Board of Recreation shall create policy concerning the operation of recreation programs.

§ 53-1. Establishment.

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

§ 53-2. Membership.

The Board of Recreation shall consist of seven (7) persons, with staggered terms, serving without pay, who shall be appointed by the Town Manager.

§ 53-3. Terms of office; vacancies.

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

§ 53-4. Officers; rules and regulations.

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

§ 53-5. Director of Recreation.

The Town Manager shall have the power to appoint a Director of Recreation.

§ 53-6. Office; accounts and records.

The Board of Recreation shall cause to be kept proper accounts and records of the proceedings of the Board.

§ 53-7. Acquisition or taking of property.

The Board of Recreation may, with the approval of the Town Council, take and hold, by purchase, gift or devise, real and/or personal property and receive gifts and donations, bequests to be applied, principal or income, for recreation purposes. The Board shall recommend to the Town Manager and Town Council the acquisition of property to be used for recreation purposes.

§ 53-8. Expenses.

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

Chapter 56**REPORT, ANNUAL****§ 56-1. Delivery.**

The Town Manager shall produce a bound annual report no later than June 1 of each year; these reports shall be available at Town Hall and the Turner Free Library.

Chapter 61**TOWN MANAGER****GENERAL REFERENCES**

Town Manager — See Charter Art. 3.

§ 61-1. Appointment; term of office; qualifications.

- A. Appointment, term of office. The Town council, by the affirmative vote of at least two-thirds (2/3) of the members, shall appoint a Town manager to serve for a term of office of up to five (5) years.

- B. Qualifications. The Town manager shall be a person of proven administrative ability, specially qualified by education and training with at least five (5) years full-time paid experience as a city or town manager, or an assistant city or town manager or the equivalent public or private sector level experience. The Town council may, from time to time, establish such additional qualifications as seems necessary and appropriate. The Town manager shall devote his full time to the office and shall not hold any other public office, elected or appointed, nor shall he engage in any other business, occupation or profession during his term unless such action is approved, in advance, by the Town council. The Town council may, by ordinance, establish other qualifications for the office of Town manager.

§ 61-2. Powers and duties generally.⁷

The Town Manager shall be the Chief Administrative Officer of the Town and shall be responsible to the Town Council for the proper administration of all Town affairs placed under his charge under the charter. The powers and duties of the Town Manager shall include, but are not intended to be limited to, the following:

- A. He shall supervise, direct and be responsible for the efficient administration of all Town activities placed under his control by the charter, by ordinance, or otherwise, including all officers appointed by him and their respective agencies.
- B. He shall be responsible for the coordination of the activities of all agencies under his control with the activities of all other Town agencies, including those elected by the voters of Randolph and those appointed by other elected officials.
- C. Except as otherwise provided by this charter and subject to the civil service law and any collective bargaining agreements as may be applicable, the Town Manager shall appoint, based upon merit and fitness alone, all department heads, officers, subordinates, employees and all appointed multiple member bodies for whom no other method of selection is provided in this charter except employees of the school department. Appointments made by the Town Manager shall become effective upon the approval of the council; provided, however, that such approval is received within fifteen (15) days of filing such notice of appointment. If the Town Council shall fail to act, appointments made by the Town Manager shall become effective on the fifteenth (15th) day following the day on which notice of the proposed appointment is filed with the Town Council. For the purpose of this section, notice of appointment shall be considered filed with the Town Council when such notice is filed at an open meeting of the Town Council. Department heads shall appoint all officers, subordinates and employees within their department subject to the approval of the Town Manager.

7. Editor's Note: Section derived from the Town Charter, signed by Lt. Governor on 3-9-2009 and approved on 4-7-2009.

- D. He shall administer all personnel policies, practices, or rules and regulations, any compensation plan and any related matters for all municipal employees and administer all collective bargaining agreements, except for school department agreements, entered into by the Town. He shall be responsible for the negotiation of all union and non-union contracts with Town employees over wages and other terms and conditions of employment, except employees of the school department. The Town Manager may, subject to the approval of the Town Council, employ Special Counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the Town Council.
- E. He shall be responsible for making sure that all of the provisions of the laws of the Commonwealth, the Town Charter, Town ordinances and other votes of the Town Council which require enforcement by him, or by officers or employees subject to his supervision, are faithfully carried out and enforced.
- F. He shall prepare and submit an annual operating budget and a capital outlay program as provided in Article 5.⁸
- G. He shall be responsible for making sure that a full and complete record of the financial and administrative activities of the Town is kept and shall render a complete report to the Town Council at the end of each fiscal year and at such times as the Town Council may reasonably require.
- H. He shall execute contracts, subject to such prior Town Council approval as may be prescribed by ordinance.
- I. He shall have full jurisdiction over the rental and use of all Town facilities, except school or library buildings and grounds and properties under the jurisdiction of the Conservation Commission pursuant to Section 8C of Chapter 40 of the General Laws.
- J. He shall be responsible for the maintenance and repair of all Town-owned property, including school or library buildings and grounds but not including vacant land under the jurisdiction of the Conservation Commission pursuant to said Section 8C of said Chapter 40, if a Town ordinance authorizing a central Town maintenance department is created.
- K. He may at any time inquire into the conduct of office of any officer, employee or department under his supervision.
- L. He shall be responsible for ensuring that a full and complete inventory of all property owned by the Town, both real and personal, is kept.
- M. He shall keep the Town Council fully advised as to the financial condition of the Town and of the administration of the Town's affairs

8. Editor's Note: See Charter Art. 5.

by filing written reports with the Town Council not less than quarterly throughout the year.

- N. He shall, from time to time, as in his judgment the needs of the Town require, make such recommendations to the Town Council for action to be taken by it as he may deem to be necessary or desirable.
- O. He may authorize any subordinate officer or employee to exercise any power or perform any function which he is authorized to exercise or perform; provided, however, that all acts performed under any such delegation shall be deemed to be acts of the Town Manager.
- P. He shall determine the existence of a public emergency or danger and shall assume responsibility for the maintenance of public safety, public order and enforcement of the laws of the Commonwealth. The Manager shall notify the Council President as soon as practical, but within twenty-four (24) hours, of such a public emergency or danger and of the actions taken. Should the public emergency continue more than twenty-four (24) hours, the Town Council may meet to review, ratify or terminate such public emergency.
- Q. He shall execute all deeds conveying Town real property; provided; however, that any such conveyance shall have been previously authorized by the vote of the Town Council pursuant to the applicable provisions of the laws of the Commonwealth.
- R. He shall publish an annual report comprised of the complete statistical record of the operations of every Town department, commission and committee for the preceding year and such report shall be published annually and made available for distribution to the public not later than four (4) months after the end of the period on which the report is based.
- S. He shall perform such other functions as may, from time to time, be assigned to the office of Town Manager by ordinance or other vote of the Town Council, or otherwise.

§ 61-3. Compensation.

The Town Manager shall receive compensation as may be established by the Town Council, from time to time, for the office of Town Manager.

§ 61-4. Removal of Town Manager.

The person serving as Town Manager shall cease to be Town Manager upon expiration of his contract or term of office. Earlier in time than the expiration described in the preceding sentence, the Town Council, by affirmative vote of a two-thirds (2/3) majority of the full board may vote to terminate, remove or suspend the Town Manager from office in accordance with the following procedure. Before the Town Manager may be removed, if he so demands, he shall be given a written statement of the reasons alleged for his removal and shall have a right to be heard thereon at a meeting of the Town Council prior to the final vote on the question of his removal,

but pending and during such hearing the Town Council may suspend him from office. The action of the Town Council in suspending or removing the Town Manager shall be final, it being the intention of this section to vest all authority and to fix all responsibility for such suspension or removal in the Town Council. The Town Manager shall continue to receive his salary until the effective date of a final vote of removal. The Town Council may, by ordinance, establish a procedure governing the removal from office of a Town Manager in such detail as it may deem necessary or desirable. No contract of employment for a Town Manager shall be inconsistent with this section.

§ 61-5. Acting Town Manager.

- A. Temporary absence. The Town Manager shall, by letter filed with the Town Council and a copy filed with the Town Clerk, designate a qualified Town officer or administrative employee to exercise the powers and perform the duties of his office during a temporary absence. During the first ten (10) working days of a temporary absence of the Town Manager, the Town Council may revoke such designation by a two-thirds (2/3) vote and, after the expiration of ten (10) working days, by a majority vote, whereupon it may appoint another qualified Town officer or employee to serve as acting Town Manager until the Town Manager shall return and resume his duties.
- B. Vacancy. Any vacancy in the office of Town Manager shall be filled as soon as possible by the Town Council but pending such appointment, the Town Council shall designate a qualified Town officer or administrative employee to exercise the powers and perform the duties of the Town Manager on an acting basis. The appointment of an acting Town Manager shall be for a term not to exceed four (4) months; provided, however, one (1) renewal, not to exceed a second four (4) months, may be permitted.
- C. Powers and duties. The powers of a temporary or acting Town Manager shall be limited to matters not admitting of delay; provided, however, that no temporary Town Manager acting under Subsection A shall have authority to make any permanent appointment to, or removal from, any office or position under the Town.

§ 61-6. Evaluation.

There shall be an annual review of the Town Manager's job performance conducted by Town Council.

Chapter 68

WATER COMMISSIONERS

GENERAL REFERENCES

Water — See Ch. 192.

§ 68-1. Powers and duties.

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

§ 68-2. Representation - Tri-Town Water Commissioners.

The Town Council shall appoint one (1) of its members or its designee to serve as the Town's representative to the Tri-Town Water Commissioners.

§ 68-3. Representation - Joint Water Board.

The Town Council shall appoint one (1) of its members or its designee to serve as the Town's representative to the Joint Water Board.

Chapter 73

ALARM SYSTEMS

GENERAL REFERENCES

Unreasonable noise — See Ch. 141.

Fines — See Ch. 301.

Fees — See Ch. 300.

ARTICLE I
Police Department

§ 73-1. Automatic dialing devices.

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

§ 73-2. Direct connections to Police Department.

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

§ 73-3. Control and curtailment of signals emitted by alarm systems.

- A. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two (2) persons, in addition to the alarm user, who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.
- B. All alarm systems shall be equipped with a test device which will give a ten-second delay prior to alarm system activation in order to warn the alarm user of an open circuit.
- C. Within six (6) months from the effective date of this article, all alarm systems which use an audible horn, siren or bell shall be equipped with a device which will shut off such horn, siren or bell within thirty (30) minutes after activation of the alarm system.

- D. Each alarm system user, to include also all automatic devices interconnected to any number at the police station, shall be allowed, in the course of any consecutive twelve-month period; three (3) free false alarms. False alarms in excess of three (3) shall be assessed a fine in accordance with the Fine Schedule.⁹

§ 73-4. Testing of equipment.

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

§ 73-5. Violations and penalties.

Any alarm user who violates the provisions of this article shall be subject to a fine in accordance with the Fine Schedule¹⁰ and subsequent to the third offense in a twelve-month period, may be ordered by the Chief of Police to disconnect from the alarm system totally.

§ 73-6. Release required.

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

9. Editor's Note: See Ch. 301, Fines.

10. Editor's Note: See Ch. 301, Fines.

ARTICLE II
Fire Department

§ 73-7. Definitions.

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

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

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

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

FALSE ALARM — A "false alarm" shall be defined as any and/or all of the following:

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

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

FIRE ALARM SERVICE COMPANY — A commercial firm that specializes primarily in the installation and service of fire alarm devices.

FIRE ALARM SYSTEM — Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a

fire alarm signal to either a central station operating company or directly to the RFD by way of a master box.

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

FIRE CHIEF — The Chief of the RFD.

FIRE WATCH — A Randolph firefighter having knowledge of fire safety rules and regulations and having the ability and knowledge to properly sound an alarm and one (1) who tours the property being protected in the event of fire.

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

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

RFD — The Randolph Fire Department.

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

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

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

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

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

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

§ 73-8. Connection by way of master box.

- A. Every master box owner whose fire alarm system on the effective date of this article is connected to the RFD by way of a master box shall pay the fees as set forth in accordance with the Fee Schedule.¹¹

11. Editor's Note: See Ch. 300, Fees.

- B. Every master box owner whose fire alarm system is connected after the effective date of this article to the RFD by way of a master box shall pay the fees as set forth in accordance with the Fee Schedule.¹²
- C. Before any fire alarm system is connected to the RFD, the master box owner shall provide the Fire Chief with the following information:
 - (1) The name, address, home and work telephone number of the master box owner.
 - (2) The street address where the master box is located.
 - (3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box.
 - (4) The names, addresses and home and work telephone numbers of at least two (2) persons other than the owner who can be contacted twenty-four (24) hours a day who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.
 - (5) Such other information as the Fire Chief may require.
- D. If, at the passage of this article, a fire alarm system has already been connected to the RFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the RFD has sent him or her notice, by first-class mail, of the requirements of this section.
- E. If a master box owner fails to comply with this section, the Fire Chief may assess a fine in accordance with the Fine Schedule for each day of noncompliance.¹³

§ 73-9. Connection of central station operating companies.

- A. Every central station operating company which has a direct connection on the effective date of this article to the RFD shall pay the fees as set forth in accordance with the Fee Schedule.¹⁴
- B. Every central station operating company which makes a direct connection after the effective date of this article to the RFD shall pay the fees as set forth in accordance with the Fee Schedule.¹⁵
- C. Before any central station operating company is connected with the RFD, it shall provide the Fire Chief with the following information:

12. Editor's Note: See Ch. 300, Fees.

13. Editor's Note: See Ch. 301, Fines.

14. Editor's Note: See Ch. 300, Fees.

15. Editor's Note: See Ch. 300, Fees.

- (1) The name, address and telephone numbers of the central station operating company.
 - (2) The names, addresses and home and work telephone numbers of at least two (2) persons who can be contacted twenty-four (24) hours a day who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company.
 - (3) The name, address, home and work telephone numbers and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
 - (4) Such other information as the Fire Chief may require.
- D. If at the passage of this article a central station operating company already has a direct connection to the RFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the RFD has sent it notice, by first class mail, of the requirements of this section.
- E. If a central station operating company fails to comply with this section, the Fire Chief may assess a fine in accordance with the Fine Schedule for each day of noncompliance.¹⁶

§ 73-10. Updating information.

- A. Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this article.
- B. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a fine in accordance with the Fine Schedule.¹⁷

§ 73-11. Fire alarm system false alarms, fines.

- A. If there is a fire alarm system false alarm, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each false alarm per fiscal year in accordance with the Fine Schedule.¹⁸
- (1) First offense: no charge.

16. Editor's Note: See Ch. 301, Fines.

17. Editor's Note: See Ch. 301, Fines.

18. Editor's Note: See Ch. 301, Fines.

- (2) Second and third offense. Upon the recording of the second and third offense by the RFD, the Fire Chief shall notify the owner of the building, in writing, by certified mail, of such fact and at this time inform the owner of the Department's policy with regard to charging for false alarms. (A copy of the policy shall be sent at this time.)
 - (3) Fourth through sixth offense: in accordance with the Fine Schedule.¹⁹
 - (4) Seventh through 11th offense: in accordance with the Fine Schedule.²⁰
 - (5) Each offense after the 11th: in accordance with the Fine Schedule.²¹
- B. Private fire alarm systems connected to the RFD by other automatic means or through a central station system shall be subject to the above conditions.
- C. Any false fire alarm which is the result of the failure of the property owner, occupant or his/her agents to notify the RFD of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with Subsection A.
- D. Property owners will be billed once a month for the previous month's malfunction activity.
- E. If the bill is not paid within thirty (30) calendar days, a second notice will be sent. If the bill is not paid after another thirty (30) calendar-day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

§ 73-12. Appeal procedure.

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

19.Editor's Note: See Ch. 301, Fines.

20.Editor's Note: See Ch. 301, Fines.

21.Editor's Note: See Ch. 301, Fines.

§ 73-13. Regulations and enforcement.

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

§ 73-14. Disposition of fines.

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

§ 73-15. Severability.

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

ARTICLE III

Key Boxes**§ 73-16. Key box required; exceptions.**

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

§ 73-17. Violations and penalties.

- A. Any building owner violating this article, after receiving due notice by the Fire Department, shall be subject to a fine in accordance with the Fine Schedule.²²
- B. Unpaid fines shall be a lien on the owner's property.

22. Editor's Note: See Ch. 301, Fines.

Chapter 76**ALCOHOLIC BEVERAGES****§ 76-1. Prohibited acts.**

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

§ 76-2. Evidence of violation.

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

§ 76-3. Enforcement.

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

§ 76-4. Violations and penalties.

Violation of this chapter will result in a fine in accordance with the fine schedule, for the offender.²³

Chapter 79**ANIMALS****GENERAL REFERENCES**

Fees — See Ch. 300.

Fines — See Ch. 301.

§ 79-1. Authority.

This chapter is adopted pursuant to the authority granted the Town by virtue of MGL c. 140, § 147A.²⁴

23.Editor's Note: See Ch. 301, Fines.

§ 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.

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.

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

FANCIER KENNEL — A kennel maintained for a collection of seven (7) or more dogs on a single premises or a kennel maintained for a collection of seven (7) or more cats on a single premises.

- (1) Hobby Kennel - Canine.

24. Editor's Note: MGL c. 140, § 147A, regarding bylaws and ordinances regulating dogs, was repealed in 2012.

(2) Hobby Kennel - Feline.

HOBBY KENNEL — A kennel maintained for a collection of four (4) to six (6) dogs on a single premises or a kennel maintained for a collection of four (4) to six (6) cats on a single premises.

(1) Hobby Kennel - Canine.

(2) Hobby Kennel - Feline.

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 (4) or more dogs or cats over the age of three (3) months.

KENNEL LICENSE — A license for any type of kennel.

LICENSE PERIOD — The time between January first and the following December 31st, 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.

B. Licenses and tags.

- (1) The owner or keeper of a dog within the Town shall cause the dog to be initially licensed within thirty (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 Town Manager after a public hearing.²⁵
- (4) Failure to pay the annual review license due by April 1st each year pursuant to this section shall result in a fine in accordance with the fine schedule in addition to the licensing fee required.²⁶
- (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 § 79-4C below.

25.Editor's Note: See Ch. 300, Fees.

26.Editor's Note: See Ch. 301, Fines.

- (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 Town Manager after a public hearing.²⁷
- (9) No license shall be issued to any child under the age of eighteen (18). If a dog is owned or kept by a child under the age of eighteen (18), 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. 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 accordance with the fine schedule.²⁸

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 thirty (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.

27. Editor's Note: See Ch. 300, Fees.

28. Editor's Note: See Ch. 301, Fines.

D. Kennel license.

- (1) Any owner or keeper of four (4) or more dogs, or cats, three (3) 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 (4) cats or more than four (4) 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 thirty (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.²⁹
- (2) The annual fees for kennel licenses and regulations shall be adopted by the Town Manager after a public hearing.³⁰
- (3) Failure to pay the annual renewal license fee due January 1st, by April 1st, shall result in a fine in accordance with the fine schedule.³¹
- (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

29.Editor's Note: See Ch. 200, Zoning.

30.Editor's Note: See Ch. 300, Fees.

31.Editor's Note: See Ch. 301, Fines.

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 in accordance with the fine schedule in addition to the required kennel fee.

E. Kennel inspection. **[Amended 3-11-2013 by Ord. No. 2013-002]**

- (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 to be held by the Town Manager 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 Town Manager 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 (1) 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 Town Manager within thirty (30) days.
 - (b) Within seven (7) days after such public hearing the Town Manager shall make an order either revoking, suspending or modifying 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 in accordance with the fine schedule for each offense.³²

- (d) The holder of such license may petition the District Court for relief in accordance with MGL c. 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 accordance with the fee schedule pursuant to MGL c. 40, § 22F, shall be paid by the owner of the animal to the Town of Randolph.³³ 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 accordance with the fee schedule set by the Town Manager pursuant to MGL c. 40, § 22F shall be paid by the property owner or in the case of a registered animal, by the owner of said 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 Town Manager of his/her findings and recommendations, together with the written complaint. **[Amended 3-11-2013 by Ord. No. 2013-002]**
 - (3) Upon receipt of such report and examination of the complainant under oath, the Town Manager 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 Town Manager to issue his/her order following receipt of the report of

33.Editor's Note: See Ch. 300, Fees.

the Animal Control Officer. If the Town Manager fails to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated. **[Amended 3-11-2013 by Ord. No. 2013-002]**

- (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 ten (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 to have bitten or attacked a person or another domesticated animal shall be subject to the fines set forth in MGL c. 140, § 173A. **[Amended 5-27-2008 ATM by Art. 7]**
- 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 in accordance with the fine schedule 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 in accordance with the fine schedule.³⁴ In keeping with the above, all persons who are walking said dog shall be required to possess the means of picking up, retrieving and disposing of said waste.
- 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.

34. Editor's Note: See Ch. 301, Fines.

§ 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 in accordance with the fine schedule.³⁵ 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 Town Manager, 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. **[Amended 3-11-2013 by Ord. No. 2013-002]**
- 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 Town Manager. **[Amended 3-11-2013 by Ord. No. 2013-002]**
 - (1) The Town Manager at the request of the Animal Control Officer or upon the filing of a signed, written complaint with the Town Manager in accordance with MGL c. 140, § 157, 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 Town Manager 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

35.Editor's Note: See Ch. 301, Fines.

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 or had been trained for the purpose and intent of protecting or promoting illegal activity as determined by the Randolph Police Department, Randolph Animal Control Officer, and/or other local, state, or federal law enforcement agencies.
- (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 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, harbinger, 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 Town Manager when dog is determined "Vicious." [Amended 3-11-2013 by Ord. No. 2013-002]

- (1) When the Town Manager determines that a dog is "vicious" after hearing, the Town Manager 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 MGL c. 140, § 145B, 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 Town Manager determines that additional protection for the public is necessary in addition to the measures set forth in sub-section (1)(a)-(d), above, the Town Manager 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.
 - (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 Town Manager deems appropriate. These additional actions may include destruction of the dog by euthanasia if, based upon the evidence presented at the hearing, the Town Manager 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 MGL c. 140, § 157.
- (3) All costs involved regarding any orders of the Town Manager 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

harborer complies with all orders of the Town Manager pertaining to that dog. **[Amended 3-11-2013 by Ord. No. 2013-002]**

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 harborer complies with the requirements imposed 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 two (2) 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 Town Manager. **[Amended 3-11-2013 by Ord. No. 2013-002]**

- G. Licensing surcharge. The annual licensing fee for a vicious dog shall keep in accordance with the fee schedule in addition to the regular licensing fee.³⁶ 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 harbinger of written notification that the dog has been determined to be "vicious," an owner/keeper or harbinger who is not in compliance with any of the provisions of this section shall be subject to a fine in accordance with the fine schedule.³⁷ 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 Town Manager, following which the Town Manager shall determine what measures are necessary to reasonably protect the public safety, including destruction of the dog by euthanasia.
[Amended 3-11-2013 by Ord. No. 2013-002]

§ 79-8. Unleashed/Abandoned dogs.

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 harbinger 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. Nature of licenses.

All licenses, tags and other permission from the Animal Control Officer or other Town officer 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.

§ 79-10. Repealer.

This chapter supersedes and replaces Article Seven, Section 21 (ATM 3-18-1974), Section 21A (ATM 3-20-1972), Sections 21B and 21C (STM 2-22-1993) and Section 21C (ATM 6-21-1993). This chapter supersedes and replaces above. (ATM 4-25-2006, Art. 11 - approved 10-17-2006)

Chapter 83

36.Editor's Note: See Ch. 300, Fees.

37.Editor's Note: See Ch. 301, Fines.

BUILDING CONSTRUCTION

GENERAL REFERENCES

Moving of buildings — See Ch. 86.

Fees — See Ch. 300.

Property maintenance — See Ch. 147.

Fines — See Ch. 301.

Quarries — See Ch. 151.

§ 83-1. State law.

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

§ 83-2. Regulating the security and maintenance of abandoned and/or dilapidated buildings.

A. Purpose.

- (1) 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.
- (2) 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.

B. 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:

- (1) 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
- (2) 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

- (3) 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
- (4) Where the structural vandalism of a building or grounds has gone unrepaired; or
- (5) 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 (1) 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.

CODE MANAGEMENT TASK FORCE — Pursuant to Chapter 61, Section 61-9 of the General Ordinances,³⁸ the Code Management Task Force ("CMTF") coordinates the activities of various agencies involved in the enforcement of laws, ordinances, 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 [one (1) ft 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

38.Editor's Note: So in original. Section 61-9 no longer exists in the Town Code.

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 ordinance 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 ORDINANCE — Section 83-2 of Chapter 83 of the Town of Randolph's General ordinances, entitled, "REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND/OR DILAPIDATED BUILDINGS WITHIN THE TOWN OF RANDOLPH."

TOWN COUNCIL or COUNCIL — The Town Council for the Town of Randolph.

C. Registration, Failure to Register, Change of Ownership.

- (1) 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.

- (2) 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.

D. Annual registration fee, failure to pay.

- (1) 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 Town Council pursuant to MGL c. 40, § 22F and listed in the fee schedule.³⁹
- (2) 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 ordinance. 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 MGL c. 40, § 58.

- E. 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

39. Editor's Note: See Ch. 300, Fees.

decline of the Abandoned and/or Dilapidated Building and prevent unauthorized entry.

F. Inspections and posting.

(1) 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 ordinance and any other applicable laws are being complied with.

(2) The Abandoned and/or Dilapidated Building shall be posted with the name and twenty-four (24) hour contact phone number of the local Property manager.

(a) The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be legible from a distance of forty-five (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 twenty-four (24) hour contact phone number]*"

(b) 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.

G. 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 Council pursuant to Subsection D, shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

H. Appeal. Any Owner aggrieved by the requirements of this section may appeal such requirements and/or such fee in writing to the Town Manager 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 Council pursuant to MGL c. 40, § 22F. 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 Manager is adverse to the Owner, the payment of the registration fee shall be due within ten (10) calendar days of such decision.

- I. 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 Ordinances of the Town of Randolph or any provisions of the Zoning Ordinances or any applicable regulations and laws of the Commonwealth of Massachusetts and/or the Town of Randolph.
- J. 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 in accordance to the fine schedule per offense and each day that the violation is outstanding shall constitute a separate offense.⁴⁰ 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 1-9 of the Town of Randolph's ordinances. This section shall not supersede, preempt or negate any individual department's statutory authority to act independently on such matters.
- K. 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.
- L. Notice. A copy of this ordinance 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 ordinance 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.

§ 83-3. Excavation and trench safety. [Added 6-9-2009 ATM by Art. 33]

- A. Purpose. The purpose of this section is to establish reasonable standards to protect the safety of the citizens of the Town of Randolph from the hazards inherent in trenches and to provide for penalties for individuals who violate any provision of this ordinance.
- B. Authority, Fee. Pursuant to the provisions of MGL c. 82A, the regulations of the Department of Public Safety in conjunction with the Division of Occupational Safety as promulgated under 520 CMR 14.00 regarding excavation and trench safety are expressly incorporated into this ordinance by reference. A reasonable fee to defray the cost of administration incurred in the review and processing of permits under this ordinance shall be established pursuant to MGL c. 40, § 22F and c. 82A, § 2.

40. Editor's Note: See Ch. 301, Fines.

- C. Permitting Authority. The Director of the Department of Public Works or his designee shall serve as the "Permitting Authority" for excavations to take place on both property that is owned or controlled by a public agency or that a public agency otherwise has a property interest in, including but not limited to an easement, and for excavations to take place on privately owned land. Designees of the Director of the Department of Public Works may include the Building Inspector and the Fire Chief or their respective designees.
- D. Fire Department Detail. In the event that the Permitting Authority becomes aware or is notified of an unattended trench during a time when the permit holder is unavailable, it may require a fire department detail to attend such unattended trench to protect the general public, the cost of which shall be assessed to the permit holder.
- E. Application. The provisions of this ordinance shall apply to any excavator in the Town of Randolph.
- F. Violations. Any person violating this section shall be fined in accordance with the Fine Schedule for each offense, each day constituting a separate offense.⁴¹ The enforcing persons for this ordinance shall be the Permitting Authority or his designees and any one (1) fire shift commander of the Town of Randolph. Non-criminal disposition of violations shall be available to apply to violations pursuant to Chapter 1, Section 1-9 of the Town of Randolph's General Ordinances.

Chapter 86

BUILDINGS, MOVING OF

GENERAL REFERENCES

Building construction — See Ch. 83.

Demolition of historic buildings — See Ch. 87.

§ 86-1. Procedure.

No person shall move a building from one (1) 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, all necessary permits.
- C. File with the Town Council a bond or other surety in the total amount determined by said Board to indemnify any or all persons.

41. Editor's Note: See Ch. 301, Fines.

- D. Receive from the Town Council 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 others, as may be determined by the Town Council.

Chapter 87

DEMOLITION OF HISTORIC BUILDINGS

GENERAL REFERENCES

Building construction — See Ch. 83.

Fines — See Ch. 301.

Property maintenance — See Ch. 147.

§ 87-1. Purpose.

This ordinance 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.

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

BUILDING — Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER — The Randolph Building Commissioners.

COMMISSION — The Randolph Historical Commission.

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.

DEMOLITION BY NEGLECT — A process of ongoing damage to the materials, viability and/or functionability of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures. This definition to apply to buildings that meet one (1) or more of the following criteria: Municipal Building; Listed as part of a Local Historic District, a National Register or National Register eligible property, or listed on a Form A or B in the Massachusetts Cultural Resource Inventory Survey (MACRIS). **[Added 5-26-2009 ATM by Art. 31]**

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.

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 Historic 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.

- A. 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.
- B. 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.
- C. 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 (7) 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 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.

- D. 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, ordinances, rules and regulations, issue the demolition permit.
- E. 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."
- F. 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.
- G. Notwithstanding Subsection F 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:
 - (1) 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
 - (2) The Commission is satisfied that for at least six (6) 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.

- A. If the Commission determines that a vacant building appears to suffer from deterioration and meets the definition of "demolition by neglect" stated in § 87-2, the Commission shall so notify the owner of the property by certified mail.

- B. The property owner shall have thirty (30) days to respond in writing to the Commission and submit a plan for securing the building from further risk of loss or damage.
- C. Upon submission of the plan for securing the building, the owner shall perform the actions described in the plan no later than thirty (30) days after submission of the plan, with completion to be within a reasonable time to be determined by the Commission and the owner.
- D. If the property owner fails to carry out the plan described in § 87-4C above, the Commission shall deem the building to be at risk of demolition by neglect and shall refer the violation to the Code Management Task Force for further action.
- E. Failure to respond to the Commission's notification shall result in the property being referred to the Town's Code Management Task Force for further action.

§ 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 MGL c. 40C and any ordinances regulating historic districts in the Town of Randolph.

§ 87-6. Enforcement and remedy.

- A. 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 ordinance, or to prevent the violation thereof.
- B. Whoever violates any provisions of this ordinance shall be punishable by a fine in accordance with the fine schedule for each such violation.⁴² Each day during which a violation exists shall constitute a separate offense.
- C. No building permit shall be issued with respect to any premises upon which a Significant Building has been voluntarily demolished in violation of this ordinance for a period of three (3) 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.
- D. The provisions of sub-section B 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 or State Fire Marshal.

42. Editor's Note: See Ch. 301, Fines.

§ 87-7. Appeal procedure.

Any person aggrieved by the determination of the Commission, may within twenty (20) days after the filing of the notice of such determination with the Building Commissioner, appeal to the Superior Court for Norfolk County.

§ 87-8. Severability.

If any section, paragraph, or part of this ordinance 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****§ 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 in accordance with the fine schedule.⁴³

Chapter 93**BUSINESS HOURS****GENERAL REFERENCES**

Noise — See Ch. 141.

§ 93-1. Nighttime quiet hours.

No person, factories, plants, contractors and/or industries shall cause to be generated any noise that disturbs 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 in accordance with the fine schedule for each offense.⁴⁴

43.Editor's Note: See Ch. 301, Fines.

44.Editor's Note: See Ch. 301, Fines.

Chapter 105**FEES****Chapter 109****GAS STATIONS****§ 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.

§ 109-3. Water.

All local gas stations shall provide free water for the purpose of coolant.

Chapter 113**HERBICIDES****GENERAL REFERENCES**

Property maintenance — See Ch. 147.

§ 113-1. Use by Town agencies regulated. [Amended 3-10-2014 by Ord. No. 2014-006]

Herbicides may be used to control nuisance, hazard, detrimental or invasive vegetation on Town owned properties under the approval of the Randolph Conservation Commission.

A. Operational guidelines.

- (1) Only the most current USEPA/MA DAR/DEP approved herbicides are authorized for use.
- (2) Application must be conducted by a qualified licensed applicator.
- (3) Application of herbicides must be conducted in such a manner that the delivery to the target vegetation is optimized and delivery to non-target vegetation and the environment is minimized.

- (4) The licensed applicator must comply with all appropriate state and federal laws and regulations regarding application and use.
- (5) The chemical application shall be used only when mowing, hand cutting or other methods of management of the subject vegetation have been deemed ineffective or not cost efficient.
- (6) The herbicide application may not be completed during a moderate to excessive rainfall or moderate to significant wind drifts.
- (7) Any spills shall be contained immediately using best management practices (BMP's) and action must be taken to remediate with absorptive materials.
- (8) Special care should be given in sensitive areas to ensure there is no impact to ground or surface water. These areas will be determined by the Conservation Commission.

B. Procedure.

- (1) Any request for use of herbicide on Town owned property must be made by the Town in writing on a form(s) provided by the Conservation Commission.
- (2) The Conservation Agent will conduct a site review prior to any application to determine any areas of concern.
- (3) The Conservation Commission will issue a written decision listing in detail the requirements and conditions for application.

§ 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

§ 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 in accordance with the fine schedule for each offense.⁴⁵

Chapter 121**JUNK DEALERS****GENERAL REFERENCES**

Licenses and permits — See Ch. 127.

Junk and unregistered vehicles — See Ch. 176.

Zoning — See Ch. 300.

Sales — See Ch. 157.

§ 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 Town Council, except in accordance with the Table of Allowable Activity⁴⁶ and upon a payment of a fee in accordance with the fee schedule.⁴⁷

Chapter 127**LICENSES AND PERMITS****GENERAL REFERENCES**

Fees — See Ch. 300.

45.Editor's Note: See Ch. 301, Fines.

46.Editor's Note: The Table of Allowable Activity is included as an attachment to Ch. 200, Zoning.

47.Editor's Note: See Ch. 300, Fees.

ARTICLE I

Fees**§ 127-1. Town Council.**

The Town Council shall set all fees unless otherwise determined by MGL.

§ 127-2. Local licensing authority.

The local licensing authority or the Town Council shall be empowered to set the fee for all licenses under MGL c. 138, § 30A⁴⁸, and MGL c. 140, § 185I.⁴⁹

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

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

ARTICLE II
Delinquent Taxpayers

§ 127-3. Authority.

The Town, by accepting the provisions of MGL c. 40, § 57,⁵⁰ 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 of the date of issuance of said certificate.

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

§ 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 Town Council 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;⁵¹ 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 ordinance.

51.Editor's Note: MGL c. 85, § 11A was repealed in 2008.

ARTICLE III

Criminal History Background Checks
[Adopted 7-25-2011 by Ord. No. 2011-010]

§ 127-9. Authority and purpose.

To accept Section 23 Chapter 256 Acts of 2010 incorporated into the Massachusetts General Laws as Chapter 6, Section 172B 1/2, to create the following ordinance, enabling the Randolph Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses.

§ 127-10. Licenses subject to background checks.

Those licenses shall be as follows: and may be amended from time to time by a majority vote of the Randolph Town Council:

Licenses	Role
Class 1 (new cars)	Licensee
Class 2 (used cars)	Licensee
Class 3 (junk vehicles)	Licensee
Taxis/Livery/Limo	Licensee and each Driver
Psychic/Palm Reader	Licensee and each Reader or Psychic
Inn Holder	Licensee and Local Manager(s)
CVAA	See *1
CVBW	See *1
Package All-Alcoholic	Licensee and Local Manager
Package Beer and Wine	Licensee and Local Manager
Hawking	Each Hawker
Peddling	Each Peddler
Door to Door Sales People	Each Seller

Note: If role is identified to Licensee, please see *1.

*1: In the event that an applicant's manager of record is a "Corporate, District Manager" then the fingerprints check shall be of the senior manager at the location.

§ 127-11. Fingerprints required; fee.

Any applicant, licensee, employee, or volunteer seeking the privilege of the use of any one (1) or more of the above licenses shall submit to having a set

or sets of fingerprints taken by the Randolph Police Department along with a fee of sixty dollars (\$60) to the Randolph Police Department.

§ 127-12. Procedure.

- A. Upon receipt of the fingerprints and the fee, the Randolph Police Department will submit those prints and conduct State and Federal record checks. Those checks will include at a minimum a Massachusetts check through the Department of Criminal Justice Information Services (DCJIS) and the Federal Bureau of Investigation (FBI). Should it be determined by the Randolph Police follow-up may be made to any of the fifty (50) States, territories and possessions and Interpol as may be required.
- B. The Police Department shall make a recommendation to the Town Council and the Applicant as to the individual's fitness to obtain a license, in rendering fitness, the Police Department will determine if the subject has been convicted of (or is under pending indictment for) a crime which bears upon his/her ability or fitness to hold said license; this shall include any felony or misdemeanor.
- C. Should that recommendation be in the negative, the applicant shall have the opportunity to be informed of the information received from his/her criminal history used to make such determination from the Randolph Police Department. If the Applicant disputes said record, they may have the opportunity to correct said record by contacting the CHSB, DCJIS, FBI or other submitting agency. In the case of a pending negative recommendation, the Applicant may request a review before the Police Chief, Chair of the Public Safety Committee of the Council and the Town Attorney to vet the merits of the Applicant's argument.

§ 127-13. Existing licenses.

All existing licensees that have been permitted before September 1, 2011 shall be required to come into compliance with this ordinance by September 1, 2014. Failure to comply may be cause to not renew said license.

§ 127-14. Policies and procedures.

The Police Chief and the Town Manager shall be charged with adopting policies and procedures to effectuate the purpose of this Ordinance and may amend said policies and procedures from time to time.

§ 127-15. Change in manager or licensee.

Note: If a "Manager" or "Licensee" shall change during the life of the license that individual shall be required to conform to this ordinance.

Chapter 140**PEACE AND GOOD ORDER****GENERAL REFERENCES**

Alcoholic beverages — See Ch. 76.

Hunting and firearms — See Ch. 116.

Animals — See Ch. 79.

Fines — See Ch. 301.

§ 140-1. General provisions. [Amended 4-16-1996 ATM by 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, in accordance with the fine schedule.⁵²

§ 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, in accordance with the fine schedule.⁵³

§ 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,

52.Editor's Note: See Ch. 301, Fines.

53.Editor's Note: See Ch. 301, Fines.

building, sidewalk, or structure in or upon any street in this Town without the permission of the owner thereof.⁵⁴

- C. No person shall cause to be placed any gang insignia or item to determine boundaries upon any building, sidewalk roadway, wire, rock, sign or other pertinent structure within the limits of the Town.

§ 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, or public property under a penalty in accordance with the fine schedule.⁵⁵

§ 140-5. Carrying of a weapon on person or in vehicle.

- A. No person except as provided by law, shall carry on his or her person, or carry under his or her control, in a vehicle, including those weapons and instruments mentioned in Chapter 269 of the General Laws, Section 10, Paragraph (b) and Section 12, any weapon or object commonly called "nunchucks," of any substance or material, a shotgun having a barrel less than eighteen (18) inches in length, any saber, sword or weapon of like or similar nature, any knife having any type of blade in excess of two and one-half (2 1/2) inches (except when actually engaged in hunting or fishing or in going directly to and/or returning directly from such activities, or in any employment which requires the use of any type of knife), or other object or tool so redesigned, fashioned, prepared or treated that the same may be used to inflict bodily harm or injury to another.
- B. Violation of any provision of this section shall be subject to arrest and a fine in accordance with the fine schedule.⁵⁶

§ 140-6. Solicitation and panhandling.

- A. No panhandling or soliciting shall be done that prohibits free flow of traffic, unless a permit is issued to do so. Persons wishing to panhandle or solicit, shall obtain said permit from the Town Manager's Office at Town Hall.
- B. In the interest of the public's health and safety, no person shall solicit nor panhandle so as to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other value. The solicitation may be, without limitation, by

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

55. Editor's Note: See Ch. 301, Fines.

56. Editor's Note: See Ch. 301, Fines.

- (1) The spoken word
 - (2) The written word
 - (3) The printed word
 - (4) Bodily gestures
 - (5) Signs
 - (6) Any other means of communication
- C. No person shall permit any conduct that is
- (1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in that person's immediate possession.
 - (2) Intended to or is likely to cause a reasonable person to be intimidated into responding affirmatively to the solicitation.
- D. No person shall persistently closely follow or approach a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor.
- E. No person shall intentionally or recklessly block or interfere with the safe or free passage of the person being solicited, whether the person is a pedestrian or the operator of a vehicle, including the situation where the person takes evasive action to avoid physical contact with the person making the solicitation.
- F. No person shall intentionally touch or make any physical contact with the person being solicited in the course of the solicitation without the person's consent.
- G. No person shall solicit or panhandle within ten (10) feet of the entrance or exit of a bank, financial institution and/or ATM during the hours of operation.
- H. Any person who violates this ordinance shall be subject to a fine in accordance with the fine schedule.⁵⁷

§ 140-7. Public consumption or use of marijuana or tetrahydrocannabinol.

- A. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, display, roll, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town of Randolph, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge,

57.Editor's Note: See Ch. 301, Fines.

park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

- B. The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.
- C. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this ordinance shall be seized, held, and disposed of in accordance with MGL c. 94C, § 47A.
- D. Whoever is found in violation of this ordinance shall, when requested by an official authorized to enforce this ordinance, state his or her true name and address to said official.
- E. This ordinance may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, § 21, or by non-criminal disposition pursuant to MGL c. 40, § 21D, by any police officer.
- F. The fine for a violation of this ordinance shall be in accordance with the fine schedule for each offense.⁵⁸ A penalty imposed under this ordinance shall be in addition to any civil penalty imposed under MGL c. 94C, § 32L.

§ 140-8. Sale of drug paraphernalia, blunt wraps, bath salts or similar substance.

- A. In the interest of the public's health and safety the following are not permitted for sale: drug paraphernalia, blunt wraps, bath salts or similar substance, within the Town of Randolph.
- B. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

BATH SALTS —

- (1) A drug which contains any quantity of barbituric acid or any of the salts of barbituric acid; or any derivative of barbituric acid which the United States Secretary of Health, Education, and Welfare has by regulation designated as habit forming; or
- (2) A drug which contains any quantity of amphetamine or any of its optical isomers; any salt of amphetamine or any salt of an optical isomer of amphetamine; or any substance which the United States Attorney General has by regulation designated as habit forming because of its stimulant effect on the central nervous system; or
- (3) Lysergic acid diethylamide; or

58.Editor's Note: See Ch. 301, Fines.

- (4) Any drug except marijuana which contains any quantity of a substance which the United States Attorney General has by regulation designated as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

BLUNT WRAP — Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed to be filled by the consumer with loose tobacco or other fillers.

DRUG PARAPHERNALIA — All equipment, products, devices and materials of any kind which are primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

- (1) Kits used, primarily intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, primarily intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, primarily intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, primarily intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, primarily intended for use or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, primarily intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, primarily intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, primarily intended for use or designed for use in compounding controlled substances;

- (9) Capsules, balloons, envelopes and other containers used, primarily intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, primarily intended for use or designed for use in storing or concealing controlled substances;
- (11) Objects used, primarily intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, which pipes may or may not have screens, permanent screens, hashish heads or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - (f) Miniature cocaine spoons and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetor pipes;
 - (i) Electric pipes;
 - (j) Air-driven pipes;
 - (k) Chillums;
 - (l) Bongs;
 - (m) Ice pipes or chillers;
 - (n) Wired cigarette papers;
 - (o) Cocaine freebase kits.

§ 140-9. Multiple public safety responses to dwellings.

When a landlord does not reside on the property they own and the police details and fees associated with the same.

A. Definitions.

POLICE RESPONSE — Any and all police action deemed appropriate by the Police Chief to protect the health, safety and welfare of inhabitants of a property or location where valid complaints have been

documented. Coordination of police action shall be subject to the rules and regulations of the police department.

PROBLEM PROPERTY —

- (1) The Police Department has been called to the property not fewer than four (4) times within the preceding twelve-month period for any incident involving any arrestable offense including but not limited to disturbing the peace, trespassing, underage drinking or assault; or
- (2) The Police Department has received not fewer than four (4) sustained complaints for noise within the preceding twelve-month period; or
- (3) The Inspectional Services Department or the Public Health Department have received not fewer than four (4) sustained complaints within the preceding twelve-month period for noxious, noisome or unsanitary conditions.

VALID COMPLAINT — An investigated finding, documented by on-duty Police Department personnel dispatched or caused to respond to an incident, that a criminal act has taken place in a dwelling unit within a property, on a particular property or at a specific location which disturbs the health, safety and welfare of other inhabitants of said property or location. The term shall not include incidents involving an occupant of the premises as the victim of the crime.

B. Police response. The Police Chief, as deemed appropriate to protect the health, safety and welfare of other inhabitants of a property or location where a valid complaint has been made, is hereby authorized and empowered to assign a member or members of the police department to staff as police response on said property or location;

- (1) Upon being dispatched or caused to respond to an incident, in a dwelling unit within a property, or a particular property or at a specific location, involving a criminal offense, police department personnel shall investigate the complaint to determine whether it is a valid complaint.
- (2) Upon finding a valid complaint, police department personnel shall make a record of the incident and shall keep, within the department's control, a record of the number of incidents which occur in said dwelling unit within a property, particular property or location.
- (3) After four (4) valid complaints incidents have occurred in a twelve-month period relating to the occupancy of a dwelling unit within a property, on a particular property or at a specific location, the Police Chief, or his designee, may notify the Chair of Town Manager's Task Force on problem Properties/Code Enforcement Officer and shall submit to the Chair/Code Enforcement Officer

the all-calls report relating to police response at said dwelling, particular property or location.

C. Duties of the Task Force.

- (1) The Chair/Code Enforcement Officer shall create a master file of all information received from the Chief pertaining to that dwelling unit, particular property or location and shall discuss said information with the members of the Task Force/Code Enforcement Officer at a monthly meeting at Town Hall.
- (2) If a specific address falls within the definition of a problem property, the Chair of the Task Force/Code Enforcement Officer shall notify in writing, the property owner by regular and certified mail, return receipt requested, sent to the property owner's residence or usual place of business that is on record at the Assessor's Office. The notification shall identify:
 - (a) The property owner and list the specific address that has been designated a problem property.
 - (b) The number of valid complaint incidents which have occurred on said property within a twelve-month period.
 - (c) The Randolph Police Contact the property owner may contact to coordinate a plan to resolve the incidents at the particular property or location, and/or inform the Randolph Police of problem complaint(s).
 - (d) Where and to whom the property owner must address a letter of appeal of the Task Force's/Code Enforcement Officer's decision.
- (3) In making a final designation of a property as a problem property, the Chair of the Task Force/Code Enforcement Officer shall take into consideration the nature of the complaints, the number of dwelling units at the property, and the nature of the use of said property.
- (4) Upon receipt of confirmation from the Police Chief, or his designee, that the owner of a particular property deemed problematic has cooperated with the Randolph Police Department in addressing each specified valid complaint, the Task Force/Code Enforcement Officer shall remove said property from designation as a problem property.

D. Cost of Police response assigned to problem properties.

- (1) The Police Chief, or his designee, shall keep an accurate record of the cost of police response to the dwelling unit within a property, a particular property or a specific location, and such record shall include the number of officers who are part of the determined response.

- (2) The Police Chief shall forward such record to the Treasurer-Collector.
- (3) After eight (8) valid complaint incidents in a twelve-month period relating to occupants of a dwelling unit within a property, a particular property or a specific location, the Police Chief, at his discretion, shall determine whether the cost of a police response should be assessed to the property owner and shall notify and submit said determination to the Chair of the Task Force/Code Enforcement Officer.
- (4) The Chair of the Task Force/Code Enforcement Officer shall notify, in writing, the property owner of the Chief's decision to assess the cost of the police response. The notification shall:
 - (a) Be delivered by regular and certified mail, return receipt requested, sent to the property owner's residence or usual place of business that is on record at the Assessor's Office.
 - (b) Identify the number of valid complaint incidents that have occurred since the first notification.
 - (c) Where appropriate, inform the property owner of his failure to contact the Randolph Police Contact to coordinate a plan to resolve the incidents at a dwelling unit within a property, particular property or location, and/or inform the Randolph Police of problem occupant(s).
 - (d) Inform the property owner that he shall be subject to the penalties addressed in subsection E.
 - (e) Indicate where and to whom the property owner must address a letter of appeal of police response costs assigned to him.
 - (f) Inform the property owner he has seven (7) days to file an appeal.
- (5) The Police Chief should consider the following factors in making his decision to assess costs:
 - (a) The nature, scope and seriousness of the incident(s).
 - (b) Whether the incident(s) resulted in an arrest.
 - (c) A history of the criminal activity taking place at the property or location.
 - (d) The property owner's and occupant's willingness to cooperate with Police.
 - (e) The total number of properties owned by the property owner relative to the number of said properties deemed problematic.

- (6) Nothing in this ordinance shall limit the statutory authority of the Police Chief to investigate crimes, allocate police resources and enforce the laws of the Commonwealth of Massachusetts and the Town of Randolph.

E. Penalties.

- (1) The Treasurer-Collector is hereby authorized and empowered to bill the property owner for the costs the Town incurred for its police response in addition to any individual costs during the period of police response to the particular property or location. The property owner is responsible for payment of the bill in full within thirty (30) days of receiving the bill. All amounts collected by the Treasurer-Collector shall be deposited into the general fund of the Town.
- (2) Any unpaid bill for police response, including interest and/or collection costs, shall be added to the real estate tax on the property and collected as part of that tax. Failure to pay real estate taxes will render the property owner delinquent and the Treasurer-Collector shall commence foreclosure proceedings.

F. Property owner's rights.

- (1) The property owner may, within seven (7) days of receipt of the notification, appeal the Chief's decision to assess costs by requesting, in writing, a hearing before a three (3) person panel appointed by the Town Manager.
- (2) Once the panel makes a decision it must be in writing. If the panel finds in favor of the property owner, the cost of the penalty shall be abated.

G. Eviction. In the event the property owner has, in good faith, commenced eviction proceedings against the tenant(s) responsible for the incidents at the property, then the application of this ordinance shall be stayed until the eviction process is concluded. The Police Chief may continue police response at the particular property or location, at his discretion, at all times after the eviction proceeding has been completed; provided, however, that such costs shall not be assessed to the property owner if the eviction proceedings conclude in favor of the property owner.

H. Charges to constitute municipal lien pursuant to MGL c. 40, § 58. All charges to recover costs imposed in this ordinance shall constitute a municipal lien on the property so charged in accordance with MGL c. 40, § 58.

I. Report. The Chair of the Task Force/Code Enforcement Officer shall submit a report to the Town Manager and the Town Council no later than three (3) months after the one (1) year anniversary of the enactment date of this ordinance. This report shall include the total cost of administration of this ordinance, as well as an accounting of all

revenues collected in association with it. Said report shall also contain data regarding all dwellings within a property, particular properties or locations which remain problem properties and those that are no longer designated as problem properties. The report shall also include the general impact, if any, that the implementation of this order has on the health, safety, and welfare of the residents of the Town of Randolph.

Chapter 141

UNREASONABLE NOISE

GENERAL REFERENCES

Business hours — See Ch. 93.

Fines — See Ch. 301.

Vehicles and traffic — See Ch. 179.

§ 141-1. General prohibition and definitions.

A. No person shall make or cause to be made any unreasonable or excessive noise in the Town, by whatever means or from whatever means or from whatever source.

B. As used herein, the following terms shall have the following meanings:

DBA — A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1971)," properly calibrated, and operated on the "A" weighting network.

LOUD AMPLIFICATION DEVICE OR SIMILAR EQUIPMENT — A radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, or sound amplifier which is operated in such a manner that it creates unreasonable or excessive noise.

UNREASONABLE OR EXCESSIVE NOISE —

- (1) Noise measured in excess of fifty (50) dBa between the hours of 11:00 p.m. and 7:00 a.m., or in excess of seventy (70) dBa at all other hours; or
- (2) In the absence of an applicable noise level standard, any noise plainly audible at a distance of three hundred (300) feet or, in the case of loud amplification devices or similar equipment, noise plainly audible at a distance of one hundred (100) feet from its source by a person of normal hearing.

§ 141-2. Unreasonable noise-making automobile safety devices.

The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200) feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful. Penalty for violation of this section shall be a fine of fifty dollars (\$50) in accordance with the fine schedule.⁵⁹ This section shall be deemed a part of the Environment Protection Ordinances, so called, and shall be enforced pursuant to the provisions of MGL c. 40, § 21D.

§ 141-3. Unreasonable noise from automobile safety devices.

The use of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200) feet from such device which does not automatically terminate any such noise within five (5) minutes shall be declared an unlawful use of a noise making instrument. The penalty for violation of this ordinance shall be in accordance with the fine schedule and shall be in compliance with the provisions of MGL c. 40, § 21D.⁶⁰ This section shall be deemed a part of the Environment Protection Ordinances, so called.

§ 141-4. Regulation of construction hours.

No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the Building Commissioner, which permit may be renewed for one (1) or more periods of not exceeding one (1) week each.

§ 141-5. Noise levels at residential lot lines.

It shall be unlawful for any person except in emergencies by Public Utility Companies to operate any construction device(s), including but not limited to impact devices, on any construction site if the operation of such device(s) emits noise, measured at the lot line of a residential lot in excess of fifty (50) dBa between the hours of 6:00 p.m. and 7:00 a.m.

§ 141-6. Disturbing the peace.

- A. It shall be unlawful for any person or persons in a residential area within the Town of Randolph to disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any radio, phonograph or sound related producing device or instrument, or from

⁵⁹.Editor's Note: See Ch. 301, Fines.

⁶⁰.Editor's Note: See Ch. 301, Fines.

the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, or from the use of any device to amplify such noise provided, however, that any performance, concert, establishment, band, group or person who has received and maintains a valid license or permit from any department, board or commission of the Town of Randolph authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise shall be defined as noise measured in excess of fifty (50) dBa between the hours of 11:00 p.m. and 7:00 a.m. or in excess of seventy (70) dBa at all other hours when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit. The term dBa shall mean the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1971)," properly calibrated, and operated on the "A" weighting network.

- B. Any person aggrieved by such disturbance of the peace may complain to the police about such unreasonable or excessive noise. The police, in response to each complaint, shall verify by use of the sound level meter described herein that the noise complained of does exceed the limit described herein and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of MGL c. 272, § 53, which sets forth the penalties for disturbing the peace.

§ 141-7. Prohibition against certain sound devices in motor vehicles.

- A. It shall be unlawful for any person in any area of the Town to operate a loud amplification device or similar equipment, as defined in § 141-1, in or on a motor vehicle which is either moving or standing in a public way.
- B. No person shall operate or use on any public right-of-way any electronically operated or electronic sound signal device attached to, on or in a motor vehicle from which food or any other items are sold or offered for sale when the vehicle is stopped, standing, or parked. This subsection shall not apply to sound signal devices used as a safety device, such as but not limited to a car horn or back-up signal that is actually used for its intended purpose. For the purposes of this subdivision the term "stopped" means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a police officer or other authorized enforcement officer or a traffic control sign or signal. For purposes of this subdivision, the terms "standing" and "parked" shall be as defined in the Town of Randolph Traffic Rules and Regulations.⁶¹

§ 141-8. Prohibition against loud amplification devices in public ways or places.

It shall be unlawful for any person in any area of the Town to operate a loud amplification device or similar equipment, as defined in § 141-1, in a public way or in any other public place.

§ 141-9. Prohibition against loud amplification devices in or on residential premises.

It shall be unlawful for any person in any area of the Town to operate a loud amplification device or similar equipment, as defined in § 141-1, in a dwelling house or on the land or other premises of such dwelling house.

§ 141-10. Enforcement.

Section 141-7, 141-8, or 141-9 may be enforced by any police officer, any special police officer designated by the Police Chief to do so, or by the Board of Health.

§ 141-11. Penalties.

- A. Any person who violates § 141-1, 141-8 or 141-9 shall be fined in accordance with the fine schedule.⁶² The enforcing person shall make a record of the complaint, such record to include the following information, to the extent that it is available: (i) name and address of person in violation, (ii) name and address of landlord of person in violation, if applicable, (iii) date of violation, (iv) time of violation, (v) location of violation, (vi) source of violation, and (vii) motor vehicle registration number, if applicable. If the person in violation refuses to provide the above-required information or if any information provided proves to be false, then said person shall be punished by a fine in accordance with the fine schedule.⁶³
- B. No person, being the landlord or person in charge of a residential structure shall permit, allow, or suffer repeated violations of these ordinances after notice thereof and shall be fined at the time of the third such violation and at the time of every violation thereafter within twelve (12) months of the first violation by a fine in accordance with the fine schedule and by a fine also in accordance with the fine schedule for each violation thereafter.⁶⁴ It shall be a defense that the landlord or person in charge of a residential structure has made and documented good faith efforts, including but not limited to the seeking of a court order, to prevent violations.

61.Editor's Note: See Ch. 179, Vehicles and Traffic.

62.Editor's Note: See Ch. 301, Fines.

63.Editor's Note: See Ch. 301, Fines.

64.Editor's Note: See Ch. 301, Fines.

- C. For all other violations of these sections, the penalties for such violations are: in accordance with the fine schedule.⁶⁵
- D. The enforcing person shall provide a person in violation with a written notice of the violation and fine. If applicable, a copy of each notice of violation shall be sent to the person in violation's landlord and to the school, college, or university at which the person in violation is enrolled.
- E. All fines issued under these sections may be recovered by the noncriminal disposition procedures promulgated in MGL c. 40, § 21D, which procedures are incorporated herein by reference; provided, however, that if a person in violation fails to follow the procedures and requirements of MGL c. 40, § 21D, then the fine or fines shall be recovered by indictment or by complaint pursuant to MGL c. 40, § 41.

§ 141-12. Arrest and seizure of property.

- A. Notwithstanding the provisions of any other ordinance of the Town of Randolph, if a person is arrested by a Randolph police officer under the authority of the Massachusetts General Laws, including without limitation the provisions of MGL c. 272, § 54 for disturbing the peace under MGL c. 272, § 53, or any applicable Massachusetts General Law, the arresting officer may, pursuant to said General Laws, seize any loud amplification device or similar equipment, as defined in § 141-1 as evidence. In the event of such seizure for evidence by a Randolph police officer incident to such arrest, such amplification device or similar equipment shall be inventoried and held by the Randolph Police Department or its agents, and shall be returned to its owner according to the terms of this section, unless a court of competent jurisdiction orders otherwise.
- B. The arresting officer, in addition to any other reports or procedures required of him, shall give the person claiming to be the owner of said loud amplification device or similar equipment a receipt indicating where, when, and for what reason said device or equipment was seized, and for what purpose it is being held. Copies of said receipt shall be filed in the Randolph Police Department and shall be made available to the court. No receipt shall be redeemed and no such device or equipment shall be returned to any person unless and until all judicial proceedings that may be held regarding the criminal allegations shall have been finally completed; provided, however, that if a motor vehicle shall be seized incident to an arrest, such motor vehicle may be returned to its registered owner if said loud amplification device or equipment has been duly removed therefrom with the written permission of the registered owner of said motor vehicle. In such cases, the Police Department shall provide said owner with a receipt for the removed device or equipment as herein provided.

65. Editor's Note: See Ch. 301, Fines.

§ 141-13. Exemptions.

The following are exempted from the provisions of Section 141 and shall not be considered unreasonable or excessive noise for purposes of this section:

- A. Noise from law enforcement motor vehicles.
- B. Noise from emergency vehicles which is emitted during an actual emergency.
- C. Noise which a person is making or causing to be made where such person has received and maintains a valid license or permit therefor from any department, board or commission of the Town authorized to issue such license or permit; provided, however, that such noise shall be permitted only to the extent allowed by the license or permit.

Chapter 143**PEDDLING AND SOLICITING****GENERAL REFERENCES**

Licenses and permits — See Ch. 127.

Fees — See Ch. 300.

Ice cream vending permits — See Ch. 144.

Fines — See Ch. 301.

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 Town Manager.

§ 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 Town Manager 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 in accordance with the fee schedule.⁶⁶

§ 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 Town Manager.
- B. Violation of the foregoing shall be punishable by a fine in accordance with the fine schedule.⁶⁷

66.Editor's Note: See Ch. 300, Fees.

67.Editor's Note: See Ch. 301, Fines.

§ 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 in accordance with the fine schedule.⁶⁸

68.Editor's Note: See Ch. 301, Fines.

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 violating this section shall be punished by a fine in accordance with the fine schedule.⁶⁹

§ 143-8. Stink bombs.

- A. 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."
- B. Persons violating this section shall be punished by a fine in accordance with the fine schedule.⁷⁰

69.Editor's Note: See Ch. 301, Fines.

70.Editor's Note: See Ch. 301, Fines.

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 (2) by two (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 in accordance with the fee schedule.⁷¹
- 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) calendar 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) calendar days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the Town Manager in writing within seven (7) calendar days of the denial by the Chief of Police. The Town Manager must act on the appeal at one (1) 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 Town Manager 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.
- D. All Applicants shall comply with the Fingerprint Identification Ordinance.⁷²

71.Editor's Note: See Ch. 300, Fees.

72.Editor's Note: See Ch. 127, Art. III, Criminal History Background Checks.

§ 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 Town Manager within seven (7) calendar days, and a hearing will be scheduled for one (1) of the next two (2) regularly scheduled meetings of the Town Manager.

§ 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 MGL c. 93, 93(a) and c. 255D.
- 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 violation, be punished by a fine in accordance with the fine schedule.⁷³

73.Editor's Note: See Ch. 301, Fines.

Chapter 144**ICE CREAM VENDING PERMITS****GENERAL REFERENCES**

Licenses and permits — See Ch. 127.

Fees — See Ch. 300.

Vehicles and traffic — See Ch. 179.

§ 144-1. Definitions.

As used in this chapter, the following terms shall have the meanings as defined in this section:

ICE CREAM TRUCK — A motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the Town.

VEND or VENDING — Offering ice cream, popsicles, ice sherbets, frozen desserts, or, as incidental thereto, other food items which are prepackaged by the manufacturer and do not require further processing, such as gum, candy, juice, chips, and soft drinks, for sale from an ice cream truck on the streets of the Town.

§ 144-2. Ice cream vending permit required.

- A. General. No person shall operate or permit an ice cream truck owned or controlled by such person to be operated as an ice cream truck on the streets of the Town except as authorized by a duly issued and currently valid ice cream vending permit obtained pursuant to this section.
- B. Terms. Ice cream vending permits may be issued only for the sale of ice cream, popsicles, ice sherbets, frozen desserts, and, as incidental thereto, other food items which are prepackaged by the manufacturer and do not require further processing, such as gum, candy, juice, chips and soft drinks, from an ice cream truck. A permit shall be effective on the first day of January of the calendar year immediately following the date of issuance and shall remain in effect, unless sooner revoked, until December 31 of the same calendar year. Ice cream vending permits, or any rights or privileges thereunder, may not be assigned or transferred. Acceptance of a permit by the permittee shall constitute an agreement by such permittee that he has no property right in the permit, and that such permittee shall appear and defend, and indemnify and hold the Town, its officers and employees, harmless from and against any and all claims, loss, damage or expense for any injury to or death of any person or persons, or for damage to property, resulting from, relating to, or arising out of any activity, act or omission of such permittee, or any of permittee's employees, agents, representatives or customers on the Town streets. The Town and its elected and appointed officials and

employees assume no responsibility for or regarding any goods sold or activities by any permittee, or any of permittee's employees, agents, representatives, contractors, or customers.

C. Application. A person seeking an ice cream vending permit shall file a written application for such permit with the Chief of Police on a form provided by the Chief of Police. The application shall contain the following information:

- (1) Name, address and telephone number of the applicant;
- (2) A description and license number of the ice cream truck proposed to be used in the business;
- (3) An acknowledgment by the applicant that he agrees to be bound by all of the terms, conditions and provisions set forth in this section, and such additional terms and conditions as may be set forth in the permit;
- (4) Such other information as the Chief of Police may deem necessary to make a determination on the application.

D. Issuance. Prior to issuance of an ice cream vending permit, the applicant shall provide the Chief of Police with proof that the applicant, and each employee, agent, and representative thereof who will operate the ice cream truck, has been issued and is the holder of a currently valid license to operate a motor vehicle of such class in the State of Massachusetts, and that the applicant is the holder of a State of Massachusetts Business License which is currently valid.

E. Limitations.

- (1) The permit issued under this section shall be prominently displayed on the ice cream truck whenever it is being used for vending. No permittee, or any employee, agent or representative thereof, shall operate an ice cream truck unless there is displayed on the ice cream truck a current State of Massachusetts Business License, a current State of Massachusetts Food Handling Permit if applicable, and the permittee's operation complies with all applicable local, state and federal health and sanitation requirements, and complies with all other applicable laws, ordinances and regulations.
- (2) Each permittee, and any employee, agent or representative thereof, shall insure that persons waiting to make purchases at the ice cream truck line up in single file on the side away from the traveled part of the street and in such a fashion as to create the least obstruction to pedestrian traffic.
- (3) Each permittee, and any employee, agent or representative thereof, shall vend only from the side of the ice cream truck away from moving traffic and as near as possible to the curb or side of the street.

- (4) No permittee, or any employee, agent or representative thereof, shall:
- (a) Vend unless such permittee, employee, agent or representative has a litter receptacle available for use by patrons, nor shall any permittee, or any employee, agent or representative thereof, leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by such permittee, employee, agent or representative;
 - (b) Vend unless the ice cream truck is fully stopped;
 - (c) Vend to any person standing on the roadway side of the ice cream truck;
 - (d) Back an ice cream truck to make or attempt to make a sale;
 - (e) Vend from an ice cream truck stopped or parked on the roadway side of a vehicle stopped or parked at the edge or curb of a street or roadway;
 - (f) Vend within less than fifty (50) feet of any intersection;
 - (g) Leave any ice cream truck unattended at any time when such vehicle is being used for vending upon a public street, provided, however, that such permittee may alight align to the street or sidewalk for the purpose of vending from the ice cream truck;
 - (h) Make any sales within one thousand five hundred (1,500) feet of a restaurant, retail store selling prepackaged food items or a fixed place of business having a common victualler's license issued by the Town of Randolph unless a one-day permit is granted by the Police Chief;
 - (i) Make any sales within one thousand five hundred (1,500) feet of any public school, unless a one-day permit is granted by the Police Chief;
 - (j) Stop at any time for the purpose of making sales in any area where parking is prohibited by the Town of Randolph or in any area posted as a "no parking zone" by the Randolph Police Department;
 - (k) Stop at any time for the purpose of making sales for more than ten (10) minutes in a single location, unless a one-day permit is granted by the Police Chief;
 - (l) Fail to operate four-way flashers when so stopped;
 - (m) Stop for the purpose of making sales only between the hours of 8:00 p.m. and 11:00 a.m.

- (n) No one shall vend or sell their wares on any Town land within the Town of Randolph without first obtaining a vendors/stand cart permit.
 - (5) An ice cream truck is subject to all local and state vehicle and traffic laws, ordinances and regulations applicable to other vehicles.⁷⁴
- F. Fees. The application fee shall be in accordance with the fee schedule, which fee shall be nonrefundable and payable at the time of filing of the application.⁷⁵
- G. Insurance. Each permittee shall maintain at all times during the entire term of the permit a current public liability insurance policy in an amount of not less than five hundred thousand dollars (\$500,000) combined single limit, which policy shall name the Town as an additional named insured and contain a waiver of subrogation endorsement. The policy shall not contain any self insured retention or deductible in excess of one thousand dollars (\$1,000), and shall include a provision requiring that written notification be given to the Town by the insurance company not less than thirty (30) days before the policy expires, or is cancelled, modified or terminated for any reason. Permittees shall submit a copy of the policy, or, at the option of the Town, a certificate of the policy, to the Town prior to beginning operations.
- H. Revocation. The Chief of Police may at any time revoke an ice cream vending permit for noncompliance with any term, condition or provision of the permit, for violation of any provision of this chapter or other applicable local, state or federal law, ordinance or regulation, or upon a determination that the operation of the permittee's ice cream truck is causing a hazard or a disruption of pedestrian or vehicular traffic, or for other reasons. The permittee shall be given written notice of the proposed revocation and an opportunity to be heard by the Chief of Police before revocation of the permit if so requested by such permittee not later than five (5) days after the date of the written notice of proposed revocation. The permittee may appeal the decision of the Chief of Police to the Town Council by filing a written notice of appeal with the Town Clerk not more than three (3) days after the date of the decision being appealed.
- I. Fraud. Any person issued an ice cream vending permit under this chapter who commits any act of fraud, cheating or misrepresentation, whether through the permittee or through an employee, agent or representative thereof, while performing any activities provided for in the permit, directly or indirectly, or who shall barter, sell or peddle any goods upon the Town streets other than those specified and authorized

74.Editor's Note: See Ch. 179, Vehicles and Traffic.

75.Editor's Note: See Ch. 300, Fees.

as provided in this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Subsection J below.

- J. Penalty. Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300). A separate offense shall be deemed committed on each day during which a violation occur or continues.

Chapter 147

PROPERTY MAINTENANCE

GENERAL REFERENCES

Outdoor burning — See Ch. 90.

Dumping of snow — See Ch. 164.

Herbicides — See Ch. 113.

Junk and unregistered vehicles — See Ch. 176.

§ 147-1. Landscaping defined. [Amended 4-23-2001 ATM by Art. 13, approved 12-21-2001]

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.

§ 147-2. Requirements applicable to residential building(s). [Amended 4-23-2001 ATM by Art. 13, approved 12-21-2001]

- A. Landscaping is required in all front yards for all buildings and additions over one thousand (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. 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 or Code Enforcement Officer.
- B. Landscaping is required in all street side side-yards for all buildings and additions over one thousand (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 side yards 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 or Code Enforcement Officer.

§ 147-3. Weeds and grass.

The term, "weeds and grass," as used herein, shall mean and include all weeds, grasses, plants, bushes, poison oak, poison ivy, and other vegetation, except trees, ornamental shrubbery, flowers, garden vegetables, compost piles, or other plants or vegetables customarily planted and/or cultivated by farmers or gardeners. A general growth of "weeds and grass" in excess of twelve (12) inches is hereby declared to be a menace to public health and safety.

- A. It shall be unlawful for any owner, occupant, lessee, or agent in charge of land in the Town to permit "weeds and grass" to remain uncut and exceed a general height of twelve (12) inches.
- B. Upon the failure, refusal, or neglect of an owner, occupant, lessee, or agent to cut "weeds and grass" as required hereby, the Building Commissioner or other authorized officer or agent of the Town charged with the enforcement of the provisions of this article shall notify such owner, occupant, lessee, or agent of such condition and shall order such person to eliminate such "weeds and grass" within ten (10) days. Such order shall be in writing and may be served personally on, or sent by certified mail to, the owner of the property at the address shown on the assessment records of the Town.
- C. If said order is not complied with within said ten (10) day period, the Building Commissioner or other authorized officer or agent of the Town charged with the enforcement of the provisions of this article may cause the "weeds and grass" to be cut and removed, or may have such failure prosecuted as a violation of this Ordinance, or both.
- D. Whenever it shall be necessary for the Town to have the "weeds and grass" cut and removed, as above provided, the cost thereof shall constitute a debt owed to the Town, and unless paid, the same shall be added to the personal property tax bill or real estate tax bill sent to the owner, and may thereafter be collected in the same manner as taxes are collected.
- E. Any person aggrieved by an order issued pursuant to the provisions of this Ordinance may file a written appeal to the Town Manager within ten (10) days from the date of such order, whereupon the Town Manager or his designee shall promptly thereafter, upon written notice, hold a hearing granting to such person the right and opportunity to show cause why he should not comply with the order.
- F. Fine. Any violation of this section of the ordinance shall be punishable by a penalty in accordance with the Fine Schedule.⁷⁶ This chapter

76.Editor's Note: See Ch. 301, Fines.

shall be enforced utilizing the non-criminal tickets and disposition mechanism of MGL c. 40, § 21D.

§ 147-4. Accumulations of earth material. [Amended 6-17-2002 STM by Art. 2, approved 10-3-2002]

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 Town Manager in the following manner:

- A. Any individual may initiate a petition to the Town Manager stating the nature of the nuisance complained of and apply for abatement thereof, whereupon the Town Manager, or their designee shall view the premises. If the Town Manager 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 may be ordered. At the time and place appointed therefor, the Town Manager shall hear the parties and thereafter may cause such nuisance to be abated by entering upon any land and making such excavation as he shall deem necessary, and he 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 Town Manager 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 Town 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 Town Manager 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 the Town Manager thereon.

§ 147-5. Excavations and hazardous conditions. [Amended 6-17-2002 STM by 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 Town that such excavation or dangerous or hazardous condition constitutes a hazard to the public safety. Violation of this section shall be punishable in accordance with the Fine Schedule.⁷⁷

§ 147-6. Maintenance of fencing and other barriers.

Fences must be located entirely upon the private property of the person constructing or causing the construction of the fence, unless the property owner adjoining agrees in a written, notarized statement that a fence may be erected on the division line of both properties. Fences must be at least twelve (12) inches from a public sidewalk or street.

A. Height.

- (1) The front lot line: no fence shall exceed four (4) feet in height.
- (2) Side and rear lot lines: no fence shall exceed six (6) feet in height.

B. Fence construction.

- (1) Front yards. Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence. All fences abutting the front yard shall provide a clear view into the yard from the street. No pickets or posts shall be located closer than four (4) inches to each other.
- (2) Fences for rear and side yard. Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence.

C. All new fence installations shall be erected with the smooth side facing outward; all posts shall be located on the inside of the fence. Painted fences shall be of one (1) color, which is compatible with the color of the home located on the parcel.

D. No fence shall be constructed, maintained, or placed on any property in the Town of Randolph of metal construction or otherwise, which is charged or connected with an electrical current in such manner as to transmit said current to persons, animals, or things which intentionally or unintentionally might come in contact with it; with the exemption for agricultural uses. Barbed wire is prohibited in the Town of Randolph except as permitted by the Board of Zoning Appeals on approved protective measures fences.

E. A dilapidated fence is any fence in an improper state of repair that causes a safety or health concern. It includes any fencing that, by its age or deteriorating condition, lists, leans, buckles or is broken or

77.Editor's Note: See Ch. 301, Fines.

has exposed pieces projecting, protruding or laying in a manner which could fall or be hazardous to persons walking or driving along public property including street or right-of-way or public easements; fencing that by improper position on or near the ground is situated in such a manner as to offer harborage to vermin; fencing that is damaged by animals or by other means such that the fence condition is unsafe and deleterious to the livability of the neighborhood; any eight-foot section of a fence that is more than fifteen degrees (15°) out of vertical alignment or that has ten percent (10%) of its pickets or structural components either damaged, missing or rotted. Any fence considered a dilapidated structure must be repaired or replaced.

- F. Repairs to a fence with broken, missing, warped, or otherwise damaged materials or hardware must be repaired and aligned to the property boundaries. Any repairs must match existing fence style in the same material, at the same height, and the same location as the original fence. A damaged fence must be repaired within thirty (30) days of the date the damage occurred.
- G. It is unlawful to obstruct the view of motorists at intersections with a fence, shrubbery or other vegetation, sign boards, structure of any description, uncontrolled weeds, etc. Any plantings on corner lots must permit an unobstructed view along intersecting streets for motorists and pedestrians approaching the intersection.
- H. Violation and penalties. Any person violating or failing to comply with the provisions of this ordinance shall be subject to a fine in accordance with the fine schedule and responsible for a civil infraction.⁷⁸ Each day a violation continues shall be deemed a separate offense.

§ 147-7. Parking.

No person shall park any vehicle on any grass area of the front yard setback in any district unless that vehicle shall be parked on an approved driveway or parking area approved by the Town.

§ 147-8. Paving.

- A. No person shall allow any pavement to be placed on any property within the Town of Randolph without first obtaining a permit.
- B. No person shall be allowed to pave their front yard setback of any residential used property except for a twenty-foot (20') wide driveway.

78.Editor's Note: See Ch. 301, Fines.

Chapter 151**QUARRIES****GENERAL REFERENCES**

Zoning — See Ch. 200.

§ 151-1. Safeguards; posting of premises.

All owners, lessees, operators, managers, persons or corporations having control of any sand bank, pit or quarry within the Town which, in the judgment of the Town Council, constitutes or contains a hazard are hereby ordered, directed and required to erect and maintain a suitable safeguard around such excavated areas being or formerly used as a sand bank, pit or quarry, except through gates therein, said safeguard to be in the form of a fence at least six (6) feet in height of steel wire mesh or other construction approved by the Town Building Commissioner and/or local inspector adequate for the purposes above named, and they are further ordered, directed and required to keep the gates in said fence locked at all times, except during business hours, and they are further ordered, directed and required to keep said premises posted against trespassers, said signs to contain adequate notice that trespassers will be dealt with according to law.

§ 151-2. Violations and penalties.

Any person or persons, association or corporation violating this chapter or any section or provision thereof, or refusing or neglecting to comply with the provisions thereof, shall be found to be in violation, which shall be punishable by a fine in accordance with the Fine Schedule for each violation.⁷⁹ When a violation of this chapter is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct offense and violation.

Chapter 157**SALES****GENERAL REFERENCES**

Junk dealers — See Ch. 121.

Zoning — See Ch. 200.

Peddling and soliciting — See Ch. 143.

79.Editor's Note: See Ch. 301, Fines.

ARTICLE I
Yard Sales

§ 157-1. Definitions.

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

YARD SALE — The sale or offering for sale of ten (10) or more items of personal property at any one (1) residential premises at any one (1) time, excluding such sales as may be conducted by a bona fide charitable organization, religious or fraternal society or other tax-exempt organization.

§ 157-2. Restrictions.

Unless specific written authorization is given by the Police Department, not more than three (3) such sales shall be held on any one (1) residential premises in each calendar year, and any such sale shall not continue for more than two (2) consecutive days. Yard sales shall not be conducted before 8:00 a.m. or after sunset.

§ 157-3. Written permission required.

As a condition precedent to any such sale, written permission for the holding of said sale must be secured from the Police Department at least three (3) days prior thereto.

§ 157-4. Violations and penalties.

Any person violating any of the provisions of this article shall be punished by a fine in accordance with the Fine Schedule for each offense.⁸⁰ Each day that a violation hereof exists shall be deemed a separate offense.

80.Editor's Note: See Ch. 301, Fines.

ARTICLE II
Sales by Non-Owners

§ 157-5. Permission of property owner required; registration.

In a business district, no product shall be displayed or offered for sale by a non-owner or non-tenant of the building or lot, except by permission of the owner of the property and the registration of said operation with the Town Council. The registration shall include a copy of the written permission by the owner, together with a bond or other surety in an amount as set by said Town Council.

Chapter 161

SEWERS AND DRAINAGE

GENERAL REFERENCES

Streets and sidewalks — See Ch. 166.

Water — See Ch. 192.

§ 161-1. Drains and conduits.

No person shall construct or maintain any drain or conduit from any house, shop or other building, or from any vault, cesspool or cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way, except when permitted in writing so to do by the Department of Public Works, under a penalty in accordance with the Fine Schedule.⁸¹

§ 161-2. Grass and trash racks.

No person shall remove, damage, destroy or cause to be injured a grass and trash rack at or near any culvert maintained by the state or Town, under penalty in accordance with the Fine Schedule.⁸²

§ 161-3. Subdivisions without public sewerage.

There shall be no subdivisions or buildings constructed that use water or produce sewage within the Town without being connected to Town sewerage. Where public sewerage is not available, drainage work shall be completed and approved by the Planning Board prior to the conducting of soil and percolation tests on any lot therein.

Chapter 164

SNOW, DUMPING OF

GENERAL REFERENCES

Property maintenance — See Ch. 147.

Streets and sidewalks — See Ch. 166.

§ 164-1. Purpose and goals.

The purposes and objectives of this By-law are as follows:

- A. To protect the health, safety, welfare, resources and property of the general public through prevention of illegal dumping of snow or the

81.Editor's Note: See Ch. 301, Fines.

82.Editor's Note: See Ch. 301, Fines.

illegal filling of land with snow that may affect our Town and/or its environment.

- B. To enable the Town of Randolph to comply with local, state and/or federal regulations.
- C. To minimize long-term effects to our Town's environment from activities, such as illegal dumping of snow or the illegal filling of land with snow, that may adversely impact our community and/or the natural flow of water or that may contaminate the Town of Randolph's source of drinking water.
- D. To protect the life and property of our Town's residents from hardship and/or flooding due to the illegal dumping of snow or the illegal filling of land with snow.

§ 164-2. Scope and intent.

This by-law sets forth guidelines, standard practices, rules and regulations to control and to stop the illegal dumping of snow or the illegal filling of land with snow, within the Town limits. The provisions of this by-law shall apply to all property owners, persons or their agents pertaining to illegal dumping of snow or the illegal filling of land with snow or otherwise disturbing the surface of real property within the Town, whether they be contractors, subcontractors, supervisors, inspectors, managers, agents, employees or otherwise.

§ 164-3. Definitions.

For the purpose of this by-law only, the following terms, words, phrases, and their derivations, shall have the meanings set forth below except where the context clearly indicates a different meaning:

ILLEGAL SNOW DUMPING — The act of illegally placing any snow material, including but not limited to contaminated snow and/or ice, on any location other than the appropriate place of disposal whether the location is public or private.

§ 164-4. General prohibition.

- A. It shall be unlawful for any person to cause, permit, maintain or to allow someone to dump snow material that may reduce property values or obstruct the natural flow of water within the Town.
- B. No person shall fill any waterway of any part of the floodway with any snow materials unless written permission has been obtained by local, state and/or federal authorities.
- C. No person shall fill any land within the 100-year floodplain without first obtaining written consent from the Town. All snow fill material must comply with the provisions of this by-law.

- D. Filling in areas outside the 100-year floodplain will be allowed but only with approved fill materials.
- E. The Conservation Commission shall have the authority to issue approval for all snow dumping in accordance with this Bylaw.

§ 164-5. Enforcement.

The Town of Randolph has authorized a designated Town enforcement officer the power to enforce any provisions of this by-law.

§ 164-6. Right of entry, inspection.

The Town enforcement officer shall have the right to enter any property for the purposes of performing the duties imposed upon him/her by the provisions of this by-law.

§ 164-7. Notification of violation.

- A. Any person and/or business entity found to be in violation of the provisions of this By-law shall be required to correct the problem upon written notification of violation, from the Town's Enforcement Officer. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:
 - (1) Use of specific pollution prevention measures and techniques;
 - (2) Clean up and disposal at an approved site location (i.e. landfill);
 - (3) Completion of all clean-up corrective work within a specified time period; and
 - (4) Submittal to the Town of all receipts regarding the disposal.
- B. If compliance is not achieved to the Town's satisfaction, the Town may, at its sole discretion, report the noncompliance to the EPA, the U.S. Wildlife and Fisheries, the U.S. Army Corps of Engineers, or any other state or federal agency for further action.

§ 164-8. Penalties for noncompliance.

- A. Criminal penalties. A penalty is hereby established whereby any person who shall violate any provision of this By-law shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined a minimum amount of not less than one thousand dollars (\$1,000) per violation and a maximum amount of no more than four thousand dollars (\$4,000) per violation. Each day after notification was given for violation for any particular section of this By-law shall constitute a separable offense for the purpose of the Town's enforcement of this By-law.
- B. Civil penalties. In addition to any criminal enforcement, the Town Counsel is authorized to petition any court of competent jurisdiction for

an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the Town by the terms of its Charter or any By-law, or by the laws of the Commonwealth.

§ 164-9. Severability.

- A. No provision of this By-law is intended, nor shall any part or portion hereof be construed so as to conflict with State regulations, rules, laws and/or Federal regulations, rules and laws.
- B. If any provision of this By-law or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this By-law and the application of such provision to other persons or circumstances shall nevertheless be valid, and the Town Council hereby declares that this By-law would be enacted without such invalid provision.

Chapter 166

STREETS AND SIDEWALKS

GENERAL REFERENCES

Peddling and soliciting — See Ch. 143.

Dumping of snow — See Ch. 164.

Ice cream vending permits — See Ch. 144.

Vehicles and traffic — See Ch. 179.

Sewers and drainage — See Ch. 161.

§ 166-1. Obstructions.

No person shall:

- A. Place or cause to be placed, in any public place, street or private way or in any running stream or body of water, any dirt, rubbish, wood, timber or other materials tending to cause obstruction, or deposit garbage, carrion, filth or offal, except in such places as shall be permitted by the Board of Health, under a penalty. **[Amended 5-14-2001 ATM by Art. 85, approved 7-24-2001]**
- B. Place leaves or cause leaves to be placed, by raking, onto any public way. No person engaged in the removal of snow shall, under any circumstances, cause said snow to be deposited so as to obstruct any public way or sidewalk.⁸³ **[Amended 4-26-2004 ATM by Art. 6, approved 7-20-2004]**
- C. Pasture or tether any animal in any street in the Town in such a manner as to obstruct the street or sidewalk.

83. Editor's Note: See also Ch. 164, Snow, Dumping of.

- D. Obstruct the free, open and convenient use of any sidewalk, for travel by the public, by occupying the same with goods, wares, merchandise or other chattels or by trucks unloading merchandise or by using the same as a place of resort, amusement, recreation or business.
- E. Use or occupy part of a public street or sidewalk for the purchase, sale, storage or display of merchandise or other articles except by license of the Town Council.
- F. Deliver, place or cause to be delivered or placed, upon any sidewalk in this Town, any coal, truck, bale, box, crate, barrel, package, bundle or any other article or thing so as to obstruct the free, open and convenient use of such sidewalk or any part thereof for more than thirty (30) minutes at one (1) time or for more than ten (10) minutes at one (1) time after being notified to remove such obstruction by a police officer.
- G. Cause any equipment or piece of machinery to be placed on or cross a curbing or sidewalk without prior approval of the Department of Public Works. Failure to do so will result in a fine in accordance with the Fine Schedule,⁸⁴ and said person shall be obligated to repair the damage.
- H. Any person removing or clearing snow whether by snow plowing, snow blowing, shoveling or any other kind of snow removal, whether mechanical or manual, who deposits or leaves snow so removed in a public way, whether or not such snow deposits physically obstruct the flow of traffic on such public ways, shall be punished by a fine in accordance with the Fine Schedule.⁸⁵ **[Added 4-26-2004 ATM by Art. 6, approved 7-20-2004]**
- I. Each of the foregoing sections of this § 166-1 ordinance may be enforced by any police officer, using the non-criminal ticketing disposition process of § 1-9 of the General ordinances of the Town. **[Added 4-26-2004 ATM by Art. 6, approved 7-20-2004]**
- J. Each of the foregoing sections of this § 166-1 ordinance shall be punishable by a fine in accordance with the Fine Schedule.⁸⁶

§ 166-1.1. Roadside memorials. [Added 5-26-2009 ATM by Art. 32]

- 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.

84.Editor's Note: See Ch. 301, Fines.

85.Editor's Note: See Ch. 301, Fines. See also Ch. 164, Snow, Dumping of.

86.Editor's Note: See Ch. 301, Fines.

- 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 fifteen (15) days.

§ 166-2. Construction and demolition debris.

Any person who intends to erect, alter, repair or take down any building or part thereof on land abutting on any street or public place in this Town and who desires to make use of such street or place for the purpose of placing thereon building materials or rubbish shall give notice thereof to the Police Department. Thereupon, the Police Department may grant a permit to occupy such a portion thereof to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows, such permit to run for not longer than sixty (60) days and to be on such conditions, and by furnishing such security, by bond or otherwise, for the observance and performance of the conditions and for the protection of the Town, as the Department of Public Works may require, and especially, in every case, upon condition that during the whole of every night, from sunset in the evening until sunrise in the morning, proper lights shall be so placed as to effectively secure all travelers from liability to injury. Such permit may be renewed at the discretion of the Police Department.

§ 166-3. Coasting.

- A. No person shall coast upon any sidewalk in the Town, nor shall any person coast upon any of the public ways of the Town except upon such street as the Town Council may designate each year by public notice.
- B. Said streets may be protected by barriers, and any unauthorized person or persons moving such barriers shall be subject to a fine in accordance with the Fine Schedule for each offense.⁸⁷

87.Editor's Note: See Ch. 301, Fines.

§ 166-4. Awnings and signs.

No person shall place, over any sidewalk, any awning, shade or signboard less than seven (7) feet from the ground at the lowest part or construct or maintain any awning, shade or signboard extending beyond the line of the sidewalk, and for any offense against this section an offender shall pay a fine in accordance with the Fine Schedule.⁸⁸

§ 166-5. Breaking ground; trees and structures.

No person shall break or dig up or aid in breaking or digging up the ground in any street or square in the Town or set up any post, fence, tree or edge stone in any street or square in the Town without a permit from the Town Manager under a penalty in accordance with the Fine Schedule for such offense.⁸⁹

§ 166-6. Driveways.

No driveway shall be located within five (5) feet of a hydrant, utility pole or catch basin.

§ 166-7. Numbering of buildings. [Added 4-16-1996 ATM by Art. 6, approved 7-29-1996]

- A. It shall be the duty of the Town Engineer to assign a number to all buildings on the streets of the Town.
- B. The Town Engineer shall prepare and keep on file in his or her office a plan showing the streets and the location of all numbered lots in the Town. Such numbers shall cover a frontage from fifty (50) feet or more, at the discretion of the Engineer, measuring from end to end of the street. Whenever one (1) number shall be insufficient to particularly designate additional tenements or buildings on the premises comprised within a given frontage to such additional tenement or buildings shall be assigned, in conjunction with the usual and proper number, the letters of the alphabet, in their order, one (1) letter to each such additional tenement or building.
- C. The odd numbers shall be placed on the right hand side and the even numbers on the left hand side of all streets following the direction of the numerical order from the beginning.
- D. The owner and occupant of every tenement and building situated on any street in the Town shall cause to be placed and maintained on or over the outside doors fronting the street or on front corners of every tenement or building having their entrances on the side thereof such number or numbers, letter or letters as may be assigned thereto by the Town Engineer under any of the provisions of this section, such number

88.Editor's Note: See Ch. 301, Fines.

89.Editor's Note: See Ch. 301, Fines.

or letter not to be less than two (2) inches in height and to be placed so as to be easily observed from the street in front of the premises.

- E. If the owner or occupant of any tenement or building fails to number the same in accordance with the provisions of this section, it shall be the duty of the Town Engineer to place the proper number or numbers, letter or letters thereon, and the cost thereof may be assessed upon such owner or occupant.
- F. Whoever shall refuse or neglect to comply with the provisions of this section within thirty (30) days after a notice in writing delivered to the owner or occupant of such tenement or building of the number or numbers, letter or letters, so assigned by the Town Engineer shall, for each and every offense, be subject to the penalty in accordance with the Fine Schedule for each day that it is not done for each offense.⁹⁰

§ 166-8. Removal of poles, wires and overhead structures.

- A. Any person, firm, corporation, partnership, their agents and employees, who has been granted, or may be granted, any license, permission, or other authority to construct or to maintain poles and overhead wires and associated overhead structures upon, along, under or across any public ways, is forbidden from installing or constructing, and shall remove immediately any poles, overhead wires and associated overhead structures which are located on, along, or across the following section of roadway described below, 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: **[Amended 4-25-2005 ATM by Art. 6, approved 10-18-2005; 5-27-2008 ATM by Art. 6]**

South Main Street Northerly from Pole 9 to Crawford Square

North Street Easterly from Crawford Square to Pole 5 Short Street

North Main Street Easterly on Short Street, Poles 1 through 5

North Main Street Northerly from Crawford Square to Pole 20121 at the bridge

North Main Street Northerly from the bridge to Pole 28 at West Street

North Main Street Northerly from West Corners to Pole 130 at Oliver Street

Warren Street Westerly from North Main Street to Pole 8 at the intersection of Highland Avenue

90. Editor's Note: See Ch. 301, Fines.

Highland Avenue Southerly from Warren Street to Pole 8 at Memorial Parkway

Memorial Parkway Easterly from Highland Avenue to Pole 3 at North Main Street

Union Street Northerly from Pole 3 to Crawford Square

- B. All new subdivisions consisting of two (2) or more dwellings shall be required to provide underground utilities.

§ 166-9. Shopping carts. [Added 4-25-2005 ATM by Art. 7, approved 10-18-2005]

- A. Purpose. This § 166-9 requires Business Establishments using Shopping Carts or similar devices shall install and maintain a system to retain the Shopping Carts within the property boundaries of the Business Establishment. The Building Inspector and the Director of Public Works Department are authorized to implement and enforce these sections.
- B. Definitions. Unless specifically indicated otherwise, these definitions shall apply and control in this § 166-9.

BUILDING INSPECTOR — The Town's duly appointed Building Inspector or his/her designee or agent.

BUSINESS ESTABLISHMENT — Includes but is not limited to a grocery store, supermarket, drugstore, pharmacy, department store, discount store, variety store, or other retail establishment which supplies Shopping Carts for the use of its customers.

DIRECTOR OF PUBLIC WORKS — The Director of the Public Works Department or his/her designee or agent.

DPW — The Department of Public Works or its successor.

OWNER — The owner of a Business Establishment if it is owner-operated or the manager of a Business Establishment if it is not owner-operated.

PARKING LOT — Any parcel of land owned, leased, or otherwise under the direction and control of the Owner and used for parking motor vehicles related to the daily operations of the Business Establishment and shall include the areas of ingress and egress.

PERMANENT IDENTITY TAG — A tag, label, plate, or other form of identification that is affixed to a Shopping Cart and designed to be removed/removable only by the Business Establishment. The Permanent Identity Tag shall state the name of the Business Establishment, the address of the Business Establishment, and the telephone number of the Business Establishment. The name, address, and telephone number on the permanent Identity Tag shall be of the neighborhood Business Establishment rather than a state, regional, or national headquarters, except that Business Establishments using a total of more than three hundred fifty (350) Shopping carts at more

than two (2) locations within the Town of Randolph (the "Town") may place a central telephone number on the Permanent Identity Tag as long as that telephone number is within the Town's area code.

SHOPPING CART OR CART — Includes but is not limited to that type of mobile vehicle used for transportation and portage by human propulsion of goods or merchandise in and about markets, stores, shopping centers, malls, and other Business Establishments.

C. On-site retention.

- (1) Each and every Shopping Cart used by a Business Establishment shall have affixed thereto a Permanent Identity Tag. A first violation of this section shall be subject to a warning, and each subsequent violation of this section shall be subject to a fine in accordance with the Fine Schedule.⁹¹ Each cart not in compliance with this subsection shall be considered a separate violation.
- (2) Each and every Business Establishment shall implement and maintain system to retain all shopping Carts within the property boundaries of the Business Establishment including Parking Lot. The Business Establishment shall provide signage in a conspicuous location in the premises which clearly notifies Shopping Cart users of the specific retention system in place and how the retention system operates.
- (3) Each method included in this subsection shall be considered to be an example of an on-site retention method complying with these sections. If the Business Establishment has a method for retention that is not delineated as an example herein, then an Owner may submit a plan to the Building Inspector that satisfies the intent of these sections to retain Shopping Carts on the premises of the Business Establishment and/or its Parking Lot or to ensure the immediate retrieval of Shopping Carts outside of the Business Establishment and/or its Parking Lot; no plan submitted by an Owner to the Building Inspector shall be valid until approved in writing by the Building Inspector. Examples of methods and/or plans are as follows:
 - (a) A physical barrier, such as bollards, restricting Shopping Carts to a portion of the exterior of the Business Establishment, but physical barriers shall not interfere with fire lanes, handicap access, or similar building features;
 - (b) A protruding vertical arm, or other similar or similarly-functioning device, attached to the Cart which prevents the Cart from being removed from the interior of the Business Establishment.

91. Editor's Note: See Ch. 301, Fines.

- (c) A system, which may be mechanical in nature, requiring the Cart user to remit collateral, including but not limited to a returnable monetary deposit to use a Shopping Cart; the collateral shall be reasonable in scope and shall not unreasonably deter the use of the Cart but instead encourage the user's return of the Cart. The collateral shall be returned to the user upon the user's return of the Cart.
 - (d) A wheel-locking mechanism installed in the Cart that is commonly used in conjunction with an electronic barrier along the perimeter of a Business Establishment and which mechanism is activated upon the Cart's approach or passing through the electronic barrier;
 - (e) An attendant or attendants whose sole responsibility is to manage and/or return the Business Establishment's Shopping Carts from the exterior premises of the Business Establishment and areas immediately adjacent thereto to the interior premises of the Business Establishment or another exterior area of the Business Establishment dedicated to the containment of Shopping Carts;
 - (f) Other similar methods or plans submitted by an Owner for the approval of the Building Inspector which would satisfy the intent of these sections to retain Shopping Carts on the premises of the Business establishment and/or its Parking Lot or to ensure the immediate retrieval of Shopping Carts outside of the Business Establishment and/or its Parking Lot.
- (4) No Business Establishment shall allow Shopping Carts to congregate or "stack up" in such a manner as to impede ingress to or egress from the Business Establishment or any public or private way adjacent to the Business Establishment.
 - (5) Prior to the close of each business day, every Business Establishment shall collect and secure its Shopping Carts on its premises, including its Parking Lot. This action shall be commenced no sooner than fifteen (15) minutes prior to the close of each business day.

D. Removal of shopping carts:

- (1) Any unattended Shopping Cart found outside the perimeter of a Business Establishment or its Parking Lot may be removed and impounded by the Department of Public Works, the Building Inspector, or an agent thereof. The enforcement personnel removing the Cart shall make a written report that identifies himself/herself as well as the date, time, and location of the Cart at time of the removal; this report may take the form of a tag attached to the Cart; a copy of the report shall be immediately forwarded to the Building Inspector.

- (2) Within a reasonable time but not more than three (3) business days after removal, the Building Inspector shall notify the Owner of the removed Cart using the information provided on the Permanent Identity Tag attached. If the Cart does not have a Permanent Identity Tag then the Building Inspector may attempt to notify the Owner of the removed Cart if the identity of the Owner is known or reasonably discernible. Any notification of removed and impounded Shopping Carts shall be made in writing and shall include the date of removal, the location of removal, and the process for the Owner's retrieval of the Cart.
- (3) Any Cart that does not have the Permanent Identity Tag attached and which is removed pursuant to these sections is deemed to be abandoned property and the Building Inspector may sell any such Cart at public auction and the proceeds shall inure to the Town, or destroy or otherwise dispose of any such Cart.
- (4) No person shall remove a Shopping Cart from the Business Establishment without the express written authorization of the Business Establishment. Any person that removes a Shopping Cart from a Business Establishment without the express written authorization of the Business Establishment, although subject to the criminal penalties in MGL c. 266, § 30A, shall also be subject to a civil fine in accordance with the Fine Schedule.⁹² The Town's Police Department shall have non-exclusive authority to enforce this subsection.

E. Retrieval of shopping carts.

- (1) An Owner or an Owner's agent may retrieve a Shopping Cart removed pursuant to § 166-9D by appearing during normal business hours at the location stated in the notice required under § 166-9D(2) and by paying (i.) a fee for the removal of the Cart(s) in accordance with the Fine Schedule.⁹³
- (2) The obligation of the Building Inspector to release a Shopping Cart continues only as follows:
 - (a) If no hearing in accordance with § 166-9F has been timely and properly requested and the Cart has not been retrieved then the obligation of the Building Inspector extends only thirty (30) calendar days after notice of removal has been mailed;
 - (b) If a hearing in accordance with § 166-9F has been timely and properly requested then the obligation of the Building Inspector extends only fifteen (15) calendar days after a notice of decision of the Building Inspector has been made in accordance with § 166-9.

92.Editor's Note: See Ch. 301, Fines.

93.Editor's Note: See Ch. 301, Fines.

- (3) Any Shopping Cart that has not been retrieved by an Owner within the time periods contained in this section shall be deemed to be permanently abandoned, and the Building Inspector may, in said his/her sole discretion, (i) continue to release such Carts to the Owner in accordance with § 166-9E, (ii) sell such Carts at public auction and the proceeds shall inure to the Town, or (iii) destroy or otherwise dispose of such Carts.
 - (4) An Owner that does not retrieve a Cart and that has not petitioned for a hearing may be subject to additional fines and/or fees which may include a fee to dispose of the Cart of in accordance with the Fee Schedule.⁹⁴
- F. Fines. Unless otherwise specified in these sections, a violation of this § 166-9 may be subject to the issuance of a warning for a first offense, a fine in accordance with the Fine Schedule.⁹⁵ Any fines and/or fees that remain unpaid by an Owner for more than twelve (12) months may become liens against the real estate of the Business Establishment. The provisions of MGL c. 40, § 21D may be used to enforce these sections.
- G. Appeal.
- (1) An Owner who has incurred a Shopping Cart-related warning and/or fee under these sections may obtain a hearing regarding the propriety of the warning and/or fee by making written petition to the Building Inspector for a hearing within fifteen (15) calendar days of receipt of the notice of removal pursuant to § 166-9D(2). The Building Inspector shall provide written notice to the Owner of the date, time, and location of the hearing, and the hearing shall be held within thirty (30) calendar days from the date of the hearing request.
 - (2) The Town Manager or his designee shall act as the hearing officer and the decision resulting therefrom shall be final and subject only to judicial review.
 - (3) The Town Manager shall notify the Owner of the decision in writing within thirty (30) calendar days of the hearing.
 - (4) Proceedings for review of the decision of the Building Inspector may be instituted in any court of competent jurisdiction within the Commonwealth of Massachusetts. The commencement of an action shall not operate as a stay of enforcement of said Building Inspector's decision, but the Building Inspector, at his/her discretion, may stay enforcement; the reviewing court may order a stay upon such terms as it considers proper as prescribed by MGL c. 30A, § 14.

94.Editor's Note: See Ch. 300, Fees.

95.Editor's Note: See Ch. 301, Fines.

- H. Permits. The Town may withhold the issuance of any permit if the applicant therefor is an Owner, or is acting on behalf of an Owner, of a Business Establishment that has an uncorrected violation and/or amounts due for an unpaid fine or an unpaid fee.
- I. Stolen property. In their efforts to enforce the provisions of these sections, nothing in these sections shall be construed to prohibit, encumber, or impede DPW or the Building Inspector from reporting a discovery of stolen property to the Town's Police Department.
- J. Regulatory authority. The DPW Superintendent shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections. The failure to promulgate such rules and regulations shall not affect the enforceability of this § 166-9.
- K. Effective date. Enforcement of fines, fees, and/or other penalties shall not be authorized until six (6) months from time passage.
- L. Severability. If any provision of these sections shall be 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.

Chapter 176

VEHICLES, JUNK AND UNREGISTERED

GENERAL REFERENCES

Junk dealers — See Ch. 121.

Vehicles and traffic — See Ch. 179.

Property maintenance — See Ch. 147.

Vehicles, removal of — See Ch. 182.

Streets and sidewalks — See Ch. 166.

§ 176-1. Junk vehicles/parts.

- A. No Person, as owner or as one in control of a premises or property within the Town, whether as owner, tenant, occupant, lessee, registered owner, or titled bill of sale owner, shall keep or allow to be kept any partially dismantled, non-operating, wrecked, junked or discarded, vehicle, trailer or parts thereof to remain in the open on such property longer than seventy-two (72) hours, except that this section shall not apply to any property that is duly licensed for such.
- B. The vehicle, trailer or parts thereof shall be removed within seventy-two (72) hours after notification or it shall be fined and impounded with any and all charges incurred to be borne entirely by the lawful owner of the property from which it was removed.

- C. No person shall cause any item in this section to be stored or confined in a non-permanent (without a foundation) enclosure that has not been duly permitted by the State Building Code and the Town's Building Commissioner.

§ 176-2. Unregistered vehicles/trailers.

- A. No person, as owner or as one in control of a premises or property within the Town, whether as owner, tenant, occupant, lessee, registered owner, or titled bill of sale owner, shall keep or allow to be kept more than one (1) unregistered vehicle/trailer to remain in the open on such property longer than seventy-two (72) hours, except that this section shall not apply to any property that is duly licensed for such.
- B. The vehicle/trailer shall be removed within seventy-two (72) hours after notification or it shall be impounded with any and all charges incurred to be borne entirely by the lawful owner of the property from which it was removed, or in the case of public property from the rightful owner of the removed item.
- C. No person shall cause any item in this section to be stored or confined in a non-permanent (without a foundation) enclosure that has not been duly permitted by the State Building Code and the Town's Building Commissioner.

§ 176-3. Abandonment.

No person shall abandon a motor vehicle/trailer so that it blocks a public way, private driveway, or creates a hazard for any length of time.

§ 176-4. Public way.

No person shall allow an unregistered and/or uninsured vehicle/trailer upon a public way for any length of time.

§ 176-5. Identification.

In the event of no license plate on a vehicle, the vehicle identification number (VIN) shall be used.

§ 176-6. Enforcement.

The above sections shall be enforced by the Randolph Police Department under the direction of the Chief of Police. The Police Chief shall be the authority to formulate rules and regulations for the disposal of any vehicle/trailer or parts thereof that have not been claimed and whose penalties have not been paid. Note: The Building Commissioner is the enforcement agent for all building violations.

§ 176-7. Fine.

Violators shall have their vehicle/trailer tagged with a violation notice and fined fifty dollars (\$50), in accordance with the Fine Schedule.⁹⁶ Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

§ 176-8. Lien.

Any fine or penalty imposed by this section and not paid shall become a municipal charge under the lien created by MGL c. 40, § 58.

Chapter 179**VEHICLES AND TRAFFIC****GENERAL REFERENCES**

Ice cream vending permits — See Ch. 144. Removal of vehicles — See Ch. 182.

Junk and unregistered vehicles — See Ch. 176.

ADDITIONAL REFERENCES

Adoption of statutory speed limit per MGL c. 90, § 17C — See Ch. A4 (Ord. No. 2017-012).

§ 179-1. Backing onto state highways.

- A. In all districts abutting a state highway, no building shall be constructed so that it is necessary for a car to enter said highway from the available parking by backing a motor vehicle onto said highway. Before any building permit is issued to said building, the State Department of Transportation shall be notified in advance for its recommendations as to access and egress to and from the state highway.
- B. In all districts abutting a state highway, no person shall enter the same by backing a motor vehicle from the adjoining property into said highway.

§ 179-2. Warning devices on vehicles/equipment.

All Town-owned vehicles/equipment, all Town-hired vehicles/equipment and all commercial vehicles/equipment over ten thousand (10,000) gvw doing work on Town projects or projects under inspection or supervision of Town officials shall be equipped with an audible warning device or alarm which

96. Editor's Note: See Ch. 301, Fines.

will be set off automatically whenever said above vehicles/equipment back up.

§ 179-3. Parking fines.

Fines now appear in the Fine Schedule, Chapter 301.

§ 179-4. Preemptors for signal lights. [Added 11-13-1996 STM by Art. 35, approved 3-13-1997]

Whenever new traffic signal lights are installed or renovations of existing traffic signal lights are proposed, preemptors for the Randolph Fire Department in connection with such signal lights shall be installed.

§ 179-5. Bicycles.

A. Every person operating a bicycle upon a way, as defined in MGL c. 90, § 1, shall have the right to use all public ways in the Commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the Commonwealth and the special regulations contained in this section except that:

- (1) The bicycle operator may keep to the right when passing a motor vehicle that is moving in the travel lane of the way.
- (2) The bicycle operator shall signal by either hand his intention to stop or turn.
- (3) Bicycles may be ridden on sidewalks outside business districts when necessary in the interest of public safety, a person operating a bicycle on the sidewalk shall yield the right-of-way to pedestrians and give an audible signal before overtaking and passing any pedestrian.

B. Operators of bicycles shall be subject to the following regulations:

- (1) The operator shall not ride more than two (2) abreast, but with more than one (1) lane in the direction of travel, ride single file except when passing.
- (2) The operator shall ride only upon or astride a permanent and regular seat attached to the bicycle; a passenger shall ride only upon or astride a permanent and regular seat attached to the bicycle or to a trailer towed by the bicycle.
 - (a) The operator shall not transport another person between the ages of one (1) and four (4) years, or weighing forty (40) pounds or less on a bicycle except:

[1] In a "baby seat" attached to the bicycle, with up right seating, a secure seat harness and some form of protection

that keeps feet and hands from hitting the spokes of the wheels of the bicycle.

- [2] Upon or astride a seat of a tandem bicycle equipped so that the other person can comfortably reach the handlebars and pedals.

Note: The operator shall not transport anyone under the age of one (1).

- (b) Any person sixteen (16) years of age or younger operating a bicycle or being carried as a passenger on a bicycle on a public way, bicycle path or on any other public right-of-way shall wear a helmet. The helmet shall:

[1] Fit the person's head and be secured by straps.

[2] Meet standards established by the United States Consumer Product Safety Commission.

Note: These requirements shall not apply if the passenger is in an enclosed trailer or other device that adequately holds the passenger in place and protects the passenger's head from impact in an accident.

- (c) A violation of clause (a) or (b) shall not be used as evidence of contributory negligence in any civil actions.
- (3) The operator shall give an audible warning whenever necessary to insure safe operation of the bicycle; provided, however, the use of a siren or whistle is prohibited.
- (4) The operator shall park his bicycle upon a way or sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.
- (5) The operator shall not permit the bicycle to be drawn by any other moving vehicle. The operator shall not tow any other vehicle or person, except that bicycle trailers properly attached to the bicycle that allow for firm control and braking may be used.
- (6) The operator shall not carry any package, bundle or article except in or on a basket, rack, trailer or other device designed for such purposes. The operator shall keep at least one (1) hand upon the handlebars at all times.
- (7) Every bicycle operated upon a way shall be equipped with a braking system to enable the operator to bring the bicycle travelling at a speed of fifteen (15) miles per hour to a smooth, safe stop within thirty (30) feet on a dry, clean, hard, level surface.
- (8) During the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, the operator shall display to the front of his bicycle a lamp emitting a white light visible from a distance of at

least five hundred (500) feet, and to the rear of said bicycle either a lamp emitting a red light or a red reflector visible for not less than six hundred (600) feet when directly in front of lawful lower beams of headlamps on a motor vehicle. A generator-powered lamp that emits light only when the bicycle is moving shall meet the requirements of this clause.

- (9) During the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise, the operator shall display on each pedal of his bicycle a reflector, or around each of his ankles reflective material visible from the front and rear for a distance of six hundred (600) feet, and reflectors or reflective material, either on said bicycle or on the person of the operator, visible on each side for a distance of six hundred (600) feet, when directly in front of lawful lower beams of headlamps of a motor vehicle. This clause shall not prohibit a bicycle or its operator to be equipped with lights or reflectors in addition to those required by clauses (8) and (9).
- (10) No bicycle shall be operated upon a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle manufacturer is prohibited.
- (11) The operator of a bicycle shall report any accident involving either personal injury or property damage in excess of one hundred dollars (\$100), or both, to the police department.

C. Violations.

- (1) A police officer who observes a traffic violation committed by a bicyclist may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address or whoever states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine in accordance with the fine schedule.⁹⁷ An offender who refuses to state his true name and address may be arrested without a warrant for such refusal, but no person shall be arrested without a warrant for any other traffic law violation committed while operating a bicycle. A police officer shall use the ticketing procedure described in MGL c. 90C to cite a bicyclist for a traffic violation but the violation shall not affect the status of the bicyclist's license to operate a motor vehicle nor shall it violate the bicyclist's status in the safe driver insurance plan. When a citation is issued to a bicyclist, it shall be clearly indicated on the ticket that the violator is a bicyclist, and failure to do so shall be a defense to the violation.

97. Editor's Note: See Ch. 301, Fines.

- (2) The parent or guardian of a person under eighteen (18) years of age shall not authorize or knowingly permit that person to violate this section. A violation of this section by a person under eighteen (18) years of age shall not affect any civil right or liability nor shall the violation be a criminal offense. If the offender is under sixteen (16) years of age, the officer may give the notice to the parent or guardian of the offender.
- (3) All fines collected by the Town pursuant to this section shall be used by the Town for the development and implementation of bicycle safety programs.

Chapter 182

VEHICLES, REMOVAL OF

GENERAL REFERENCES

Property maintenance — See Ch. 147.

Vehicles and traffic — See Ch. 179.

Junk and unregistered vehicles — See Ch. 176.

Storage of vehicles — See Ch. 185.

§ 182-1. Authority to remove; costs.

The Chief of Police, or the Chief's designated appointee having charge of ways, for the purpose of removing or plowing snow or for removing ice from any way, shall have the authority to remove or cause to be removed to some convenient place in the Town of Randolph, including in such term a public garage in the Town of Randolph, any vehicle interfering with such work, and said Chief of Police or the Chief's designated appointee having charge of ways is authorized to impose, upon the owner of such vehicle, liability for the cost of such removal and of the storage charges, if any, resulting therefrom.

Chapter 185

QUALITY OF LIFE

GENERAL REFERENCES

Peddling and soliciting — See Ch. 143.

§ 185-1. Unsolicited deliveries.

- A. Purpose and goals. The purposes and objectives of this ordinance are as follows:

- (1) To protect the health, safety, welfare, resources and property of the general public through prevention of unsolicited deliveries (excluding literature from political and/or religious organizations) at residential and commercial properties that may affect property ownership and/or the quality of life within our Town.
 - (2) To minimize long-term effects to our Town residents' quality of life and property ownership from activities, such as delivery of unsolicited literature and items, that may adversely impact our community within the Town of Randolph.
 - (3) To protect the life and property of our Town's citizens from hardship due to unsolicited items being left at residential and commercial properties within the Town.
- B. Scope and intent. This ordinance sets forth guidelines, standard practices, rules and regulations to control and to stop unsolicited deliveries within the Town limits. The provisions of this ordinance shall apply to all property owners, persons or their agents pertaining to unsolicited deliveries or otherwise disturbing the quality of life within the Town, by leaving certain unwanted and/or non-requested items left at the homes and businesses within the Town limits.
- C. Definitions. For the purpose of this ordinance only, the following terms, words, phrases, and their derivations, shall have the meanings set forth below except where the context clearly indicates a different meaning:
- UNSOLICITED DELIVERIES — The act of placing and/or delivery upon a residential or commercial property any unsolicited document(s), personal item(s) and/or personal material(s), (excluding political advertisements and/or literature) on any location within the Town of Randolph whether the location is public or private.
- D. General prohibition. It shall be unlawful for any person to cause or to deliver unsolicited materials to either a residential or commercial property within the Town of Randolph, that may cause blight and reduce property values or obstruct the quality of life of residents within the Town.
- E. Enforcement. The Town of Randolph shall authorize a designated Town Enforcement Officer the power to enforce any provisions of this ordinance.
- F. Right of entry, inspection. The Town Enforcement Officer shall have the right to enter upon any premises for the purposes of performing the duties imposed upon him by the provisions of this ordinance.
- G. Notification of violation. Any person and/or business entity found to be in violation of the provisions of this ordinance shall be required to correct the problem upon written notification of violation, from the Town's Enforcement Officer. Such written notification may require that

certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

- (1) Use of specific prevention measures and techniques;
- (2) Clean up and disposal of any and all unsolicited materials;
- (3) Completion of all clean-up corrective work within a specified time period; and
- (4) Submittal to the Town proof of proper clean-up and/or disposal.

H. Penalties for Noncompliance. A penalty is hereby established whereby any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in accordance with the Fine Schedule.⁹⁸ Each day after notification was given for violation for any particular section of this ordinance shall constitute a separable offense for the purpose of the Town's enforcement of this ordinance. In addition, the Town Counsel is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation. This remedy shall be cumulative of and to all other enforcement powers granted to the Town by the terms of its Charter or any ordinance, or by the laws of the Commonwealth.

Chapter 188

VENDING MACHINES, PRINTED MATTER

GENERAL REFERENCES

Peddling and soliciting — See Ch. 143.

Streets and sidewalks — See Ch. 166.

§ 188-1. Permit required.

No person, firm, corporation, association, partnership, trust or other type of entity shall place, install, use or maintain any printed matter vending machine on any public property without obtaining a written permit therefor from the Town Council.

§ 188-2. Definitions.

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

PRINTED MATTER VENDING MACHINE (HEREINAFTER "MACHINES") — Any coin or token-operated box, container, stand, rack, storage unit or other dispenser or device installed, placed, used, operated or maintained

98. Editor's Note: See Ch. 301, Fines.

for the display and sale or distribution of newspapers, periodicals or other printed matter for public use.

§ 188-3. Application; fee.

The application for the permit shall fully and specifically describe the printed matter vending machine by setting forth its size by height, depth and width or any other relevant dimensions if varying in height, depth and width, the name and business address of the applicant, the exact date or dates said machine will be in place or in operation, the exact place where said machine will be located, the manner by which said machine shall be affixed or held in place and the description of any object to which said machine shall be affixed. Further reasonable information which may affect the public safety, health or order in the community may be requested from the applicant. An annual application fee, the amount of which will be determined upon passage of this chapter and annually thereafter by the Town Council, which fee will be reasonably related to the costs of processing said application, shall be paid for each machine licensed. The form of application shall be approved by the Town Council.

§ 188-4. Insurance required.

A certification of insurance indemnifying and saving harmless the Town of Randolph from any loss or damage from all suits, actions and claims of any and every nature for or on account of any injuries or damage received or sustained by any person or company or other entity arising from the installation, use or maintenance of such machines shall be filed with the Town Council prior to its issuance of any permit hereunder; further, said policy will directly provide for payment to any person or company or other entity injured thereby.

§ 188-5. Grant or denial of permit; hearing.

- A. Within twenty (20) days of receipt of such completed application, the Town Council shall grant a permit or shall order a hearing within an additional ten (10) days, giving at least five (5) days' written notice to the applicant.
- B. Within ten (10) days next following the close of the hearing, the Town Council shall grant such permit or shall deny such application upon a finding that issuance of such a permit would lead to the creation of a nuisance or would endanger the public health, safety or order by:
 - (1) Unreasonably increasing pedestrian traffic in the area in which the machine is located; or
 - (2) Endangering the public safety by reason of the machine's projecting onto, into or over any part of the roadway of any public street; by reason of its being affixed to a site or location used for public utility purposes, public transportation purposes or governmental use; by reason of its being located in such a manner

as to unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, sidewalk or street cleaning and/or snow removal and the ingress or egress from any residence, place of business or any legally parked or stopped vehicle; or by reason of aesthetic harm and defacement caused by its being affixed to poles, posts, traffic signs or signals, hydrants, mailboxes or other objects at or near such location.

§ 188-6. Location.

No machine shall be chained, bolted or otherwise attached to property owned or maintained by the Town of Randolph within three (3) feet of any crosswalk; within fifteen (15) feet of any fire hydrant; within five (5) feet of any fire or police call box or other emergency facility; within five (5) feet of any driveway, public or private; within three (3) feet ahead or fifteen (15) feet to the rear of any designated bus stop, taxi stand or place marked for handicapped parking; within three (3) feet of any bus bench or shelter; at any location whereby the clear space for the passageway of pedestrians is reduced to less than four (4) feet; or within three (3) feet of any display window of any building abutting the sidewalk or other public place in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

§ 188-7. Use for advertising purposes prohibited.

No machine shall be used for advertising signs or publicity purposes, other than that which is essential to identify, on no more than two (2) sides of the machine, the printed matter offered for sale therein. No letter thereon shall exceed two (2) square inches in size.

§ 188-8. Maintenance.

Each machine shall be maintained in a clean and neat condition and in good repair at all times, and it shall be of one (1) color that does not unnecessarily contrast with the immediate surroundings, except that the lettering may contrast with such one (1) color. No reflectorized paint, Day-Glo, fluorescent or scotchlite reflective materials or materials of like nature may be used on such machine.

§ 188-9. Identification.

The person who places or maintains such machine shall have his/her name or his/her Massachusetts agent's name, address and telephone number affixed thereto in a place where such information may easily be seen.

§ 188-10. Time limit for compliance.

All persons who have placed or intend to place machines in the Town of Randolph shall have thirty (30) days from passage of the within chapter to comply with said provisions or such additional time as the Town Council may allow in its discretion.

§ 188-11. Notice of denial; permit conditions.

Notice of the denial of an application for permit shall be in writing and accompanied by a statement of the reasons therefor. No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote. The Town Council may impose conditions upon the permit, but said conditions may only relate to compliance with the permit, applicable laws or ordinances or to public safety, health or order or to steps required to be taken to guard against creation of a nuisance or to ensure adequate safety and security for the public. No applicant having been denied a permit as aforesaid shall submit the same or similar application within one (1) year of said denial without including in said new application facts showing that the circumstances upon which the original denial was based have substantially changed.

§ 188-12. Violations and penalties; enforcement.

Violation of the terms and conditions in this chapter or in any permit granted hereunder shall be punishable by a fine in accordance with the Fine Schedule,⁹⁹ and said violation shall be cause for cancellation, suspension, revocation or modification of the permit, after hearing, upon three (3) days' written notice sent by registered or certified mail to the name and address set forth in the annual application. The Town of Randolph may petition the Superior Court Department of the Trial Court to enjoin any violation of this chapter or the conditions in any permit granted hereunder. If, after hearing, the applicant fails to comply with the order of the Town Council, said Town Council may order the removal of said machines and place them in storage in a secure place. The cost of removal and storage shall be paid by the permit holder.

§ 188-13. Abandonment.

If such machine is not used for the distribution of printed matter for a period of sixty (60) calendar days, the same shall be deemed as abandoned property and may be disposed of according to law.

Chapter 192**WATER****GENERAL REFERENCES**

Water Commissioners — See Ch. 68.

99.Editor's Note: See Ch. 301, Fines.

ARTICLE I
Unpaid Charges

§ 192-1. Fee imposed.

A lien fee in accordance with the Fee Schedule¹⁰⁰ shall be added to those accounts certified by the Assessors as unpaid water charges which are added to real estate taxes under the provisions of MGL c. 40, § 42C.

§ 192-1.1. Interest. [Added 4-16-1996 ATM by Art. 14, approved 7-29-1996]

The Town shall accrue interest at the rate of twelve percent (12%) per annum on any water rate and/or sewer use charge which shall remain unpaid more than thirty (30) (calendar) days from the billing date.

100Editor's Note: See Ch. 300, Fees.

ARTICLE II
Water Supply Emergencies

§ 192-2. Purpose.

This article is intended to preserve, maintain and increase the water supply of the Tri-Town Water System.

§ 192-3. Authority to promulgate rules and regulations.

Whenever a declaration of a state of water supply emergency or resulting order is legally declared and imposed on the Town of Randolph by an appropriate state or federal agency, or a water conservation emergency is declared by the Tri-Town Board of Water Commissioners (The Braintree Water and Sewer Commissioners, Holbrook Board of Selectmen/Board of Public Works, Town of Randolph Town Council), said Tri-Town Board of Water Commissioners is authorized to promulgate such reasonable rules and regulations as are necessary to implement said declaration or order of water conservation emergency.

§ 192-4. Violations and penalties.

Any person who is found, after a hearing before the Braintree Water and Sewer Commissioners, Holbrook Board of Selectmen/Board of Public Works or Town of Randolph Town Council or designee, respectively, to have violated any of said rules and regulations as promulgated by the Commissioners attendant to a declaration of a state of water supply emergency or resulting order or water conservation emergency shall, for each offense, be punished by a civil penalty in accordance with the Fine Schedule.¹⁰¹ Each day such violation continues shall constitute a separate offense.

§ 192-5. Administration of penalties; warnings.

- A. The Braintree Water and Sewer Commissioners, Holbrook Board of Selectmen/Board of Public Works and Town of Randolph Town Council shall be the exclusive administrator for processing receipted violations of water usage restriction orders.
- B. There shall be one (1) warning issued and recorded on an approved appropriate department administrative form. Said warning shall be sent by certified mail to the site of the violation. Subsequent violations recorded shall be punished by a fine in accordance with the Fine Schedule.¹⁰² Subsequent violations shall be recorded on an approved department administrative form which stipulates that a violation has been found and a civil penalty has been applied with mandatory payment of said civil penalty to be receipted by the appropriate department.

¹⁰¹Editor's Note: See Ch. 301, Fines.

¹⁰²Editor's Note: See Ch. 301, Fines.

Chapter 196**WETLANDS****GENERAL REFERENCES**

Zoning — See Ch. 200.

§ 196-1. Purpose.

- A. The purpose of this ordinance is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Randolph by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including water quality, prevention and control of pollution, fisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this ordinance").
- B. This ordinance is intended to utilize the Home Rule authority of this municipality so as to protect the resource areas under the Wetlands Protection Act (MGL c. 131, § 40; the Act) to a greater degree, to protect additional resource areas beyond the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant ordinances of the Town of Randolph.

§ 196-2. Prohibited uses.

- A. Except as permitted by the Conservation Commission no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, land under water bodies; intermittent streams, brooks and creeks; lands adjoining these resource areas out to a distance of one hundred (100) feet, known as the buffer zone; perennial rivers, streams, brooks and creeks; lands adjoining these resource areas out to a distance of two hundred (200) feet, known as the riverfront area; lands subject to flooding or inundation by groundwater or surface water; and lands subject to flooding (collectively the

"resource areas protected by this ordinance"). Said resource areas shall be protected whether or not they border surface waters.

- B. The jurisdiction of this ordinance shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

§ 196-3. Permitted uses.

- A. The applications and permits required by this ordinance shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.
- B. The applications and permits required by this ordinance shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- C. The applications and permits required by this ordinance shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this ordinance. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- D. Other than stated in this ordinance, the exceptions provided in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00) shall not apply under this ordinance.

§ 196-4. Variances.

- A. Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this ordinance. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this ordinance. No activities shall commence without receiving and complying with a permit issued pursuant to this ordinance.
- B. The Commission in an appropriate case may accept as the application and plans under this ordinance any application and plans filed under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this ordinance may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.
- D. At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations.
- E. Pursuant to MGL c. 44, § 53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the Town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.
- F. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered.
- G. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.
- H. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be

cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

- I. The applicant may appeal the selection of an outside consultant to the Town Council, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three (3) or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

§ 196-5. Notice and hearings.

- A. Any person filing a permit or other application or RDA or ANRAD or other request with the Conservation Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.
- B. The Commission shall conduct a public hearing on any permit application, RDA, or ANRAD with written notice given at the expense of the applicant, at least five (5) business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the Boards and officials listed in § 196-6.

- C. The Commission shall issue its permit, other order or determination in writing within twenty-one (21) days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this ordinance with the hearing conducted under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

§ 196-6. Coordination with other boards.

- A. Any person filing a permit application, RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Town Council, Planning Board, Board of Appeals, Board of Health, Town Engineer, and Building Inspector. A copy shall be provided in the same manner to the Commission of the adjoining municipality, if the application or RDA pertains to property within three hundred (300) feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission.
- B. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

§ 196-7. Permits and conditions.

- A. If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this ordinance, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.
- B. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this ordinance. It may also deny a permit:

for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this ordinance. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

- C. In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the ordinance.
- D. In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this ordinance, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this ordinance. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

- E. To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.
- F. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).
- G. The Commission shall presume that all areas meeting the definition of "vernal pools" under § 196-9 of this be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.
- H. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three (3) years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.
- I. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this ordinance after notice to the holder, the public, abutters, and Town boards, pursuant to § 196-5 and § 196-6, and after a public hearing.
- J. Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

- K. The Commission in an appropriate case may combine the decision issued under this ordinance with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.
- L. No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefor, either at the time of recording or as a condition precedent to the issuance of a COC.

§ 196-8. Regulations.

- A. After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this ordinance, effective when voted and filed with the Town Clerk.
- B. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ordinance. At a minimum these regulations shall reiterate the terms defined in this ordinance, define additional terms not inconsistent with the ordinance, and impose filing and consultant fees and penalties for noncompliance.

§ 196-9. Definitions.

- A. The following definitions shall apply in the interpretation and implementation of this ordinance.

AGRICULTURE — Shall refer to the definition as provided by MGL c. 128, § 1A.

ALTER — Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:

- (1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- (3) Drainage, or other disturbance of water level or water table.
- (4) Dumping, discharging, or filling with any material which may degrade water quality.

- (5) Placing of fill, or removal of material, which would alter elevation.
- (6) Driving of piles, erection, expansion or repair of buildings, or structures of any kind.
- (7) Placing of obstructions or objects in water.
- (8) Destruction of plant life including cutting or trimming of trees and shrubs
- (9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- (10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this ordinance.

BANK — Includes the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

PERSON — Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town ordinances, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

POND — Shall follow the definition of 310 CMR 10.04 except that the size threshold of ten thousand (10,000) square feet shall not apply.

RARE SPECIES — Includes, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

VERNAL POOL — Includes, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two (2) continuous months during the spring and/or summer, contains at least two hundred (200) cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

- B. Except as otherwise provided in this ordinance or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this ordinance shall be as set forth in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

§ 196-10. Security.

As part of a permit issued under this ordinance, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one (1) or both of the methods described below:

- A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 196-11. Enforcement.

- A. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this ordinance, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this ordinance.
- B. The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- C. The Commission shall have authority to enforce this ordinance, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under MGL c. 40, § 21D, and civil and criminal court actions. Any person who violates provisions of this deemed necessary to remedy such violations, or may be fined, or both.

- D. Upon request of the Commission, the Town Council and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.
- E. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- F. Any person who violates any provision of this ordinance, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine in accordance with the Fine Schedule.¹⁰³ Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the ordinance, regulations, permits, or administrative orders violated shall constitute a separate offense.
- G. As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town in § 1-9 of the Town's General Ordinances.

§ 196-12. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this ordinance. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§ 196-13. Appeals.

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with MGL c. 249, § 4.

§ 196-14. Relation to the Wetlands Protection Act.

This ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00) thereunder. It is the intention of this ordinance that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

Chapter 197

¹⁰³Editor's Note: See Ch. 301, Fines.

SEVERABILITY**§ 197-1. Severability of Code provisions.**

The invalidity of any section or provision of these ordinances shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Chapter 200**ZONING****GENERAL REFERENCES**

Building construction — See Ch. 83.

Property maintenance — See Ch. 147.

Moving of buildings — See Ch. 86.

Quarries — See Ch. 151.

Demolition of historic buildings — See Ch. 87.

Sewers and drainage — See Ch. 161.

Gas stations — See Ch. 109.

Wetlands — See Ch. 196.

ARTICLE I
General Provisions

§ 200-1. Authority and purpose.

Pursuant to the authority conferred by MGL c. 40A and for the purpose of encouraging housing for persons of all income levels and promoting the health, safety, convenience and welfare of the inhabitants of Randolph by lessening congestion in the streets; securing safety from fires, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and by other means, in accordance with a comprehensive plan, now, therefore, this chapter is adopted.

§ 200-2. Severability.

If any provisions of this chapter or the application thereof to any persons or circumstance is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstance, shall not be affected thereby.

§ 200-3. Word usage; definitions.

A. The word "used" or "occupied" includes the words "designed, arranged, intended or offered to be used or occupied"; the word "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building Code or the Town of Randolph Subdivision Regulations¹⁰⁴ shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meanings given in Webster's Unabridged Dictionary, latest edition.

B. As used herein, the following words and terms shall have the following respective meanings:

ABANDONMENT —

- (1) The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises;
- (2) The removal of the characteristic equipment or furnishings used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings; or
- (3) The replacement of the nonconforming use or building by a conforming use or building.

104Editor's Note: The Subdivision Regulations are on file in the Town Clerk's office.

ABUT — To touch; be contiguous; border on; without intervening land.

ACCESS — A way or means of approach to provide vehicular or pedestrian entrance to or exit from a property.

ACCESS CONNECTION — Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

ACCESS DRIVE — A permanent (dust-free) surface which is required for each lot, for the passage of motor vehicles for access and egress to and from a street. An access drive may lead to or from a parking space or loading bay or to other access drives or to a related maneuvering aisle.

ACCESS, CROSS — A service drive providing vehicular access between two (2) or more contiguous sites so the driver need not enter the public street system.

ACCESSORY SIGN — Any sign that, with respect to the premises on which it is erected, advertises or indicates one (1) or more of the following: the person occupying the premises or the business transacted on the premises, or any part thereof, and which contains no other advertising matter.

ADULT USES — Adult uses are characterized by material having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activities or nudity (MGL c. 272, § 31). Each of the following adult uses shall be considered a separate use, and approval of one (1) use shall not infer the approval of any other adult use. If an adult use is approved in combination with any other adult use, interior access is required throughout the entire establishment.

- (1) ADULT BOOKSTORE or ADULT MOTION PICTURE THEATER — As defined in MGL c. 40A, § 9A.
- (2) ADULT CLUBS — Any nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment which, as a form of entertainment, allows a person or persons to perform in a state of nudity, as defined in MGL c. 272, § 31, or allows a person or persons to work in a state of nudity as defined in MGL c. 272, § 31, or features films, motion pictures, videocassettes, laser discs, slides or any other photographic reproductions depicting a person or persons in a state of nudity, as defined in MGL c. 272, § 31, or depicting sexual conduct or sexual excitement as defined in MGL c. 272, § 31.
- (3) ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock-in-trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

- (4) **ADULT VIDEO STORE** — An establishment having as a substantial or significant portion of its stock-in-trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

ALCOHOLICS ANONYMOUS (AA), ET AL — Any nonprofit organization/program consisting of abstinent alcoholics whose purpose is to stay sober and help others recover from the disease of alcoholism. **[Added 1-28-2013 by Ord. No. 2013-001]**

ALTERATION — An addition, expansion, change or moderation of a building, sign or structure or the accessory equipment thereof, that is not classified as an ordinary repair. The moving of a building or structure from one (1) location to another shall be considered an alteration. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

ALTERATION, STRUCTURAL — Any change or rearrangement in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior material to an existing building for the purpose of changing its appearance shall not be considered a structural alteration. "Structural alteration" shall include any enlargement or diminution of a building or structure or usable space therein. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

ALTERATIONS/ALTERED, SIGNS — The changing of moveable parts of an approved sign that is designed for such changes or the repainting or reposting of display matter shall not be deemed an alteration, provided that the conditions of the original approval of the sign permit requirements are not violated. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

APARTMENT HOUSE/COMPLEX — A building or buildings, under single ownership, each of which contains three (3) or more separate but attached dwelling units arranged atop each other, for use by families living independently of each other and who have a common right in halls, stairways and amenities. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

APPLIANCE, FURNITURE AND HOUSEHOLD EQUIPMENT RENTALS/MACHINE RENTALS, SMALL — Establishments involved in rental or sales of home furnishings, instruments or devices designed for use in the home such as stoves, refrigerators, televisions, etc., where the facility is less than seven thousand (7,000) square feet gross floor area. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

APPLIANCE, FURNITURE AND HOUSEHOLD EQUIPMENT SALES/MACHINE SALES, LARGE — Establishments involved in rental or sales of home furnishings, instruments or devices designed for use in the home such as stoves, refrigerators, televisions, etc., where the facility

is greater than seven thousand (7,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

AREA OF SIGNS — The area of a sign shall be computed as the overall size of the display, including all backing, frames or casings. A double-faced sign shall be computed as the area of both sides. Any sign made up of individual letters or characters shall be computed by multiplication of the overall length of all letters, including spaces between letters, by the average height of the letters or characters.**[Added 11-3-1997 STM by Art. 13, approved 2-6-1998]**

ASSISTED LIVING FACILITY — A facility licensed by the Commonwealth of Massachusetts as a boarding home for people who have either a need for assistance with activities of daily living (including but not limited to eating, toileting, ambulation, transfer and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by convalescent/nursing homes.**[Added 4-8-2013 by Ord. No. 2012-028]**

AUTO REPAIR GARAGE — A building or place of business where oil, batteries, tires and other allied products, supplies or parts of motor vehicles are furnished or sold directly or indirectly to the motor vehicle trade or where minor repairs or adjustments to motor vehicles are performed.

AUTOMATIC TELLER MACHINE (ATM) — An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE TOWING AND IMPOUND FACILITIES — A principal use with more than two (2) salvaging vehicles such as tow trucks, cranes, and flatbed trucks used to tow or haul motor vehicles.

BASEMENT — A story of a building which is partly or completely underground.

BED-AND-BREAKFAST FACILITY — Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public on a daily basis for compensation. Breakfast is the only meal that may be served. May also be referred to as a "tourist home."

BEST MANAGEMENT PRACTICES (BMPs) — For the purposes of stormwater management, structural or nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce non-point source pollutants from entering receiving waters.

BOARDINGHOUSE — A family dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three (3) or more persons who are not members of the family occupying and operating the premises.

BUFFER STRIP — A strip of land (often including vegetation) where disturbance is not allowed or is closely monitored to preserve or

enhance aesthetic and other qualities along or adjacent to roads, trails, watercourses and recreation sites or between properties or lots.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

BUILDING LOT COVERAGE — The total area covered, measured from the outside of the exterior walls, by all principal and accessory buildings on a lot.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

BUS STATION, COMMERCIAL — A facility for the pickup and discharge of passengers and freight for buses; includes ticket sales and may include administrative offices.

BUS TERMINAL — A facility which includes equipment and garage for the maintenance, storage, and refueling of buses.

BUSINESS ESTABLISHMENT — Each separate place of business, whether or not consisting of one (1) or more buildings.

CABINET/CARPENTRY SHOP, LARGE — A workshop for the building, assembly and/or finishing of wooden products where the facility is greater than seven thousand (7,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

CABINET/CARPENTRY SHOP, SMALL — A workshop for the building, assembly and/or finishing of wooden products where the facility is less than seven thousand (7,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

CALL CENTER — A central place where customer and other telephone calls are handled by an organization, usually with some amount of computer automation. Typically, a call center has the ability to handle a considerable volume of calls at the same time, to screen calls and forward them to someone qualified to handle them, and to log calls. Call centers are used by mail-order catalog organizations, telemarketing companies, computer product help desks, and any large organization that uses the telephone to sell or service products and services.

CAR WASH — A building or area that provides facilities for washing, cleaning, waxing and/or detailing of motor vehicles, either by mechanical means or by hand, either as a service provided by others or self-service, and does not include the washing of commercial vehicles, but which may include accessory retail uses.

CATERING ESTABLISHMENT (OFF-PREMISES) — Preparation of food and related materials for a special event, occasion, or other related contracts, which are to be delivered to a location other than where prepared.

CATERING ESTABLISHMENT (ON-PREMISES) — Preparation of food and related materials for a special event, occasion, or other temporary

contract, which may be consumed on site or delivered to a location other than where prepared.

CHANGEABLE-COPY SIGN, ELECTRONIC — A sign that changes its message or copy at intervals by programmable electronic, digital or mechanical processes or by remote control.**[Added 5-6-2013 by Ord. No. 2013-022]**

CHANGEABLE-COPY SIGN, MANUAL — A sign that changes its message, copy, and/or content by physically or manually altering the surface of the sign.**[Added 5-6-2013 by Ord. No. 2013-022]**

CHECK CASHING AND PERSONAL LOAN SERVICES — Businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing and deferred-deposit loans. This includes check cashers, payday advance businesses and other business regulated by MGL Chapter 169A.

CHILD-CARE FACILITY — An establishment licensed by the Commonwealth of Massachusetts for the purpose of either:

- (1) A day-care center, which provides daily care for more than six (6) children under the age of seven (7) years, or sixteen (16) years if such children have special needs; or
- (2) A school-age child-care program, which provides supervised group care for children enrolled in kindergarten or older children who are not more than fourteen (14) years, or sixteen (16) years of age if such children have special needs.

CLINIC — A building or part thereof in which the ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of health care professionals or programs licensed or certified by the state, acting conjointly, but not providing for overnight residence of patients.

CLUB — An institution used or intended to be used for an association of persons, whether incorporated or unincorporated, for some common purpose, such as Lions, Elks, Rotary, or Shriners, but not including adult uses, or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise, or only administrative offices supporting the club.

COMMERCIAL VEHICLE — Every vehicle designed, maintained or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over eight thousand five hundred (8,500) pounds gross unloaded weight, but not including any manufactured home or recreational vehicle.

CONVALESCENT/NURSING HOME — A medical facility licensed by the Commonwealth of Massachusetts providing accommodation and care to aged and infirm persons but not providing acute-care services. This definition excludes any facility meeting the definition of "hospital" or "rehabilitation facility."**[Added 4-8-2013 by Ord. No. 2012-028]**

CONVENIENCE STORE — Any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, and other related goods, not including gasoline or fuel sales, characterized by a rapid turnover of customers and high traffic generation.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

CONVENTION CENTER — A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

CONVENTION CENTER/EXHIBIT HALL — A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

COPY SHOP — A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

COURIER/DELIVERY/MESSENGER SERVICE — Operations office for the dispatching, coordination, preparation and routing of package pickup and delivery [items weighing under one hundred (100) pounds], or telephone message system.

CREMATORY — An establishment containing a furnace or incinerator for the purposes of reducing dead bodies to ashes by burning.**[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

CUSTODIAL INSTITUTION — A group facility used for the housing of persons on probation or parole.

DATA CENTER — A special facility that performs one (1) or more of the following functions:

- (1) Stores, manages, processes, and exchanges digital data and information;
- (2) Provides application services or management for various data processing, such as web hosting internet, intranet, telecommunications and information technology.

DAY CARE — The care, supervision and guidance for compensation of four (4) or fewer children unaccompanied by a parent, guardian or custodian, on a regular basis for periods less than twenty-four (24) hours per day, in a place other than the child's or children's own home or homes.

DAY-CARE CENTER — Any facility operated on a regular basis whether known as a "day nursery," "nursery school," "kindergarten," "child play school," "progressive school," "child development center," or "pre-school," or known under any other name, which receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their

parents. "Day-care center" shall not include any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day-care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

DAY LABORER — A person who sells his/her labor for the day, hour, or for a particular job.

DAY LABORER HIRING CENTER — Any place where day laborers gather to await employers to hire them.

DAY SPA — A facility which specializes in the full complement of body care, including, but not limited to, body wraps, facials, pedicures, make-up, hairstyling, nutrition, exercise, water treatments and massage, which is open primarily during normal daytime business hours and without provisions for overnight accommodations.

DEPARTMENT STORE — A large retail store organized into departments offering a variety of merchandise; commonly part of a retail chain.

DIRECTIONAL MEDIAN OPENING — An opening in a restrictive median, which provides for the specific movements and physically restricts other movements. Directional median opening for two (2) opposing left or "U-turn" movements along a road segment are considered one (1) directional median opening.

DISCOUNT DEPARTMENT STORE — A business which is conducted under a single owner's name wherein a variety of related or unrelated merchandise and nonautomotive services are advertised and sold primarily at discounted prices and are housed, enclosed, exhibited and sold directly to the customer for whom the goods or services are furnished or sold. Notwithstanding the foregoing, any such business may have various departments, services or uses that are identified by separate names and/or are owned or operated independently of the business for which the department store is named.

DISTRICT — A zoning district as established by Article II of this chapter.

DONATION CENTER — A man or unmanned drop-off center for charitable organizations.

DRIVE-UP OR DRIVE-THROUGH FACILITY — The use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in motorized vehicles that are in a designated stacking lane.

DRIVEWAYS — An open space located on a lot, which is not more than twenty-four (24) feet in width, built for access to a garage or off-street parking or loading space.

DRY-CLEANING AND LAUNDRY ESTABLISHMENT, ON PREMISES — A facility that has equipment on-site to provide dry-cleaning, garment pressing and laundry services.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

DRY-CLEANING AND LAUNDRY ESTABLISHMENT, OFF PREMISES — A facility that serves as a pick-up station for laundry and dry-cleaning services to be provided at another site. The facility may provide on-site garment pressing.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

DUPLEX DWELLING — A two-family building designed with separate dwelling units side by side, separated by a firewall. Only one (1) such building shall be developed on any one (1) lot.

DWELLING — A privately or publicly owned permanent structure containing a dwelling unit or dwelling units. The terms "one-family dwelling," "two-family dwelling" and "multifamily dwelling" shall not include a hotel, lodging house, hospital, membership club, trailer or dormitory.

DWELLING UNIT, ACCESSORY — A second dwelling unit added to, created within, or detached from a single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation, and sleeping.

DWELLING, ATTACHED — A dwelling with two (2) or more party walls (firewall) or one (1) party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, MULTIFAMILY — A building containing three (3) or more dwelling units.**[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

DWELLING, MULTIFAMILY FIFTY-FIVE-PLUS — A multifamily dwelling, as defined by this chapter, for exclusive residential occupancy by persons fifty-five (55) or older.**[Added 11-18-2002 ATM by Art. 2, approved 1-21-2003]**

DWELLING, SINGLE-FAMILY — A building containing only one (1) dwelling unit for one (1) family. Only one (1) such building shall be developed on any one (1) lot.

DWELLING, TWO-FAMILY — A building containing two (2) dwelling units. Only one (1) such building shall be developed on any such lot.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

DWELLING UNIT — One (1) or more rooms or enclosed floor spaces used or to be used by one (1) or more individuals living as a single family or housekeeping unit with cooking, living, sanitary and sleeping facilities.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

ERECTED — Includes "altered," "rebuilt," "remodeled" and "moved."

ESSENTIAL PUBLIC SERVICE OR UTILITY — Provided by a public service corporation or by governmental agencies through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communications, supply or disposal systems, whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.**[Added 12-19-2011 by Ord. No. 2011-009]**

ESTATE SALE — A means of selling goods via professional organizer and/or auctioneer and lasting more than one (1) day.**[Added 12-19-2011 by Ord. No. 2011-009]**

EXTENDED-STAY HOTEL — A building designed for or containing both individual guestrooms and efficient units/suites, under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to apartments, rooms or units and offers discounts for extended stays beginning at five (5) days or seven (7) days.**[Added 12-19-2011 by Ord. No. 2011-009]**

FAMILY — Except as may otherwise be required by any applicable state or federal law, including education purposes and disabled persons as defined in MGL c. 40A, § 3, or the Fair Housing Act (42 U.S.C. § 3604), one (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family; provided, however, that foster children shall not be counted for this purpose.**[Amended 4-28-2003 ATM by Art. 17, approved 10-1-2003]**

FAMILY DAY-CARE-HOME — Any private residence which on a regular basis receives for temporary custody and care during part or all of the day children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen (16) in a family day-care home shall not exceed six (6), including participating children living in the residence. "Family day-care home" shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

FARMER'S MARKET — Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; may be indoor or outdoor; this term does not include roadside stands.

FAST-FOOD ESTABLISHMENT — Any restaurant serving the majority of its food in disposable containers, packages, or other similar wrapping, for consumption on or off the premises.

FAST-FOOD ESTABLISHMENT, FORMULA — A restaurant which primarily sells food prepared and made ready for immediate sale in advance of a customer's order, which may be served in paper, plastic or other disposable containers through a combination of in-car, window, drive-through, or over-the-counter service, and which is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor, external facade, or uniforms. The foregoing shall not apply if food or beverage sales are wholly incidental to a conventional restaurant or other allowed principal use; nor shall this regulation apply to ice cream parlors.

FINANCIAL INSTITUTION — Any establishment, the primary business of which is concerned with such state-regulated activities as banking, savings and loans, and consumer loan companies.

FLOOR AREA — The total area enclosed within the several floors of a building as measured from the exterior faces of the walls, excluding any space where the floor-to-ceiling height is less than six (6) feet. Floor area requirements shall be construed to be based on the gross floor area unless specified as leasable floor area.

FLOOR AREA RATIO — Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

FOOD AND BEVERAGE CART — A vehicle-mounted food service establishment that is designed to be readily movable. Mobile food vendors include push carts, mobile kitchens, hot dog carts, pretzel wagons, etc.

GASOLINE SERVICE STATION — Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

GROCERY STORE/FOOD MARKET, LARGE — Establishments primarily engaged in retailing a general line of food, such as canned and frozen foods; staple foodstuffs, fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry and other grocery products, including nonfood items such as soaps, detergents, paper goods, other household products, and health and beauty aids, which are greater than five thousand (5,000) square feet gross floor area. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

GROCERY STORE/FOOD MARKET, SMALL — Establishments primarily engaged in retailing a general line of food, such as canned and frozen foods; staple foodstuffs, fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry and other grocery products, including nonfood items such as soaps, detergents, paper goods, other household products, and health and beauty aids, which do not exceed five thousand (5,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

GROUP HOME, CONGREGATE-LIVING — A facility that provides an assisted-living program for senior citizens and/or persons with disabilities group homes [seventeen (17) or more persons].

GROUP HOME, LARGE — A facility that provides an assisted-living program for senior citizens and/or persons with disabilities group homes [nine (9) to sixteen (16) persons].

GROUP HOME, SMALL — A facility that provides an assisted-living program for senior citizens and/or persons with disabilities group homes [one (1) to eight (8) persons].

HARDSHIP CULTIVATION — The process of cultivating marijuana subject to registration and restrictions set forth by the Commonwealth of Massachusetts.**[Added 1-28-2013 by Ord. No. 2013-001]**

HEIGHT OF BUILDING — The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

HOME OCCUPATION — Any commercial use conducted entirely within a dwelling unit and carried on by family members residing in that dwelling unit, the use of which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not alter the exterior or affect the residential character of the neighborhood, and in connection with which there is no display nor stock-in-trade.

HOSPITAL — A medical establishment licensed by the Commonwealth of Massachusetts whose facilities provide inpatient accommodations for acute medical and surgical care; and other inpatient services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services, staff offices and residences that are integral with and accessory to the principal use.**[Amended 4-8-2013 by Ord. No. 2012-028]**

HOTEL — A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

IMPERVIOUS SURFACE — Any hard-surfaced, man-made areas that do not readily absorb or retain water, including but not limited to patios,

paved parking and driveway areas, walkways, sidewalks and paved recreation areas (e.g., basketball courts, tennis courts, swimming pools). This would exclude public sidewalks on private property and buildings.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

IMPERVIOUS SURFACE COVERAGE — The area of the lot occupied by impervious surfaces.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

IMPOUND — To take and hold a vehicle in legal custody.

IMPOUND YARD — Any area or enclosure established and used solely and exclusively for the parking and storage of impounded vehicles.

IN-LAW APARTMENT — A separate dwelling unit within a detached single-family dwelling subordinate in size to the single-family dwelling and which maintains the appearance of the structure as a single-family dwelling.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

LIVERY — A business wherein vehicles are offered for hire by the public with fees fixed on an hourly or per-trip basis and not having any route or fixed schedule.**[Added 12-19-2011 by Ord. No. 2011-009]**

LOT — A parcel of land occupied or intended to be occupied by one (1) main building or use, with its accessories, and including the open space accessory to it, which is defined in a deed or plan recorded with the Norfolk Registry of Deeds or Norfolk Registry District. No land which is within the boundaries of a street accepted, proposed or dedicated shall be included in determining lot areas.**[Amended 4-24-2001 ATM by Art. 23, approved 12-21-2001]**

LOT COVERAGE, MAXIMUM — Includes the percentage of a lot covered by buildings plus that percentage of a lot covered by impervious surfaces.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

LOT DEPTH — The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE — The property line dividing a lot from a street (right-of-way). On a corner lot, the owner shall designate one (1) street line as the front lot line. On a corner lot, where the junction of two (2) streets is formed by a curve, the frontage shall be measured along the tangent line of the curve from the point of intersection to the side lot line.

LOT LINE, REAR — The lot line opposite the front lot line.

LOT LINE, SIDE — Any lot line not a front or rear lot line.

LOT, NONCONFORMING — A lot lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which is not in accordance with all provisions of this chapter.

LOT WIDTH — The horizontal distance between the side lot lines as measured at the minimum required setback distance required by this chapter.

MACHINE SHOP, LARGE — A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts, which is greater than three thousand (3,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MACHINE SHOP, SMALL — A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts, which shall not exceed three thousand (3,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MAJOR HIGHWAY — A street designated as a numbered highway by the commonwealth if having at least two (2) travel lanes in each travel direction.

MANUFACTURING, FABRICATION AND PROCESSING OF GOODS, LARGE — An establishment engaged in the mechanical or chemical transformation of materials (natural and man-made) or substances into new products, including but not limited to machine parts; fabricated structural metal products; and electronic and communication components, systems and equipment, which is greater than three thousand (3,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MANUFACTURING, FABRICATION AND PROCESSING OF GOODS, SMALL — An establishment engaged in the mechanical or chemical transformation of materials (natural and man-made) or substances into new products, including but not limited to machine parts; fabricated structural metal products; and electronic and communication components, systems and equipment, which shall not exceed three thousand (3,000) square feet gross floor area.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MARIJUANA — Has the meaning given "marihuana" in MGL Chapter 94C, defined as all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.**[Added 1-28-2013 by Ord. No. 2013-001]**

MARIJUANA CULTIVATION — The act or art of improving, using, and preparing in order to foster growth and/or to raise a specific crop product of natural or synthetic marijuana.**[Added 1-28-2013 by Ord. No. 2013-001]**

MARIJUANA DISPENSARY AGENT — An employee, staff, volunteer, officer, or board member of a not-for-profit medical marijuana treatment center.**[Added 1-28-2013 by Ord. No. 2013-001]**

MARIJUANA HARVESTING — The act, process, collection, receipt, benefit, or period of gathering a crop that ripens or is gathered during a specific time period that consists of a quantity of a specific crop product of natural or synthetic marijuana.**[Added 1-28-2013 by Ord. No. 2013-001]**

MARIJUANA SALES — To sell, exchange, give or dispose of marijuana to another person or persons.**[Added 1-28-2013 by Ord. No. 2013-001]**

MEDICAL MARIJUANA TREATMENT CENTER — A Massachusetts not-for-profit entity, registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.**[Added 1-28-2013 by Ord. No. 2013-001]**

MEDICAL USE OF MARIJUANA — The acquisition, cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.**[Added 1-28-2013 by Ord. No. 2013-001]**

MINI STORAGE FACILITY — A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses; and may include refrigerated facilities.

MIXED-USE DEVELOPMENT, MULTIFAMILY UNITS — A dwelling unit with not less than six hundred twenty-five (625) square feet of usable living area, not more than two (2) bedrooms, at least one (1) full bath and an individual laundry unit (no shared laundry facilities on the premises).**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MIXED-USE DEVELOPMENT — The combination of residential and business uses on a single lot**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

MOTEL — A building made up of two (2) or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations for compensation.

MUNICIPAL LIAISON — A single point of contact appointed by the Town Manager to serve as the primary municipal liaison for all issues

relating to the Expedited Permitting Statute, MGL c. 43D, §§ 1 through 16.**[Added 12-3-2007 STM by Art. 7, approved 4-14-2008]**

NARCOTICS ANONYMOUS (NA), ET AL — Any nonprofit organization/program that focuses on recovery from drug addiction.**[Added 1-28-2013 by Ord. No. 2013-001]**

NATURAL MARIJUANA — Organic, naturally grown, nonmanufactured marijuana derived from the plant Cannabis sativa L.**[Added 1-28-2013 by Ord. No. 2013-001]**

NONACCESSORY SIGN — Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.

NONPROFIT ORGANIZATION — An entity that exists solely for religious, charitable, educational, political or civic purposes and is not in business to make a profit.¹⁰⁵

OFF-PREMISES SIGN — A sign which identifies a facility or service which is not located on the premises where such sign is located.**[Added 11-3-1997 STM by Art. 13, approved 2-6-1998]**

OFFICE FOR EXECUTIVE OR ADMINISTRATIVE PURPOSES — A space in which services are offered or rendered to the public by professionals not resident therein, including (but not limited to) offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance or investment counselors, real estate offices or social workers.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

OFFICE OR PROFESSIONAL USE — A space in which services are offered or rendered to the public by professionals not resident therein, including (but not limited to) offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance or investment counselors, real estate offices or social workers.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

ON-PREMISES SIGN — A sign which is erected and maintained according to the standards set forth herein and upon the same real property on which the business facility or point of interest is located.**[Added 11-3-1997 STM by Art. 13, approved 2-6-1998]**

OUTDOOR SALES AND DISPLAY — Land uses in which merchandise is sold or displayed principally outdoors or in which services are offered or rendered to customers principally outdoors. This does not include:

- (1) Outdoor display of agricultural and horticultural products by principal uses which primarily market said products.

¹⁰⁵Editor's Note: The definition of "nursing home," which immediately followed this definition, was repealed 4-8-2013 by Ord. No. 2012-028. See now the definition of "convalescent/nursing home" above.

(2) Drive-up windows.

OWNER — The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

PARKING GARAGE/DECK — An off-grade structure primarily for the parking of motor vehicles.

PARKING SPACE — An off-street space, whether inside or outside a structure, for exclusive use as a parking stall for one (1) motor vehicle, as required elsewhere in this chapter.

PAWN SHOP — A facility in the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property purchasing such property on the condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender.

PERMIT-GRANTING AUTHORITY — The Board of Appeals as established by § 200-40 of this chapter and the Town Manager as established by § 200-45 of this chapter.**[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

PERSONAL CAREGIVER — A person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana. Personal caregivers are prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient. An employee of a hospice provider, nursing, or medical facility providing care to a qualifying patient may also serve as a personal caregiver.**[Added 1-28-2013 by Ord. No. 2013-001]**

PEST CONTROL OFFICE — See "office or professional use."**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

PEST CONTROL OFFICE WITH STORAGE OF CHEMICALS — A professional office space with on-site storage of pesticides, economic poisons, or mechanical devices for preventing, controlling, eradicating, identifying, inspecting for, mitigating, diminishing, or curtailing insects, vermin, rodents, pest birds, bats, or other pests in, on, or under a structure, lawn, or ornamental. This does not apply to pest control performed by a person upon his own individual residential property using disinfectants, sanitizers, or ready-to-use pesticides sold over the counter at retail or pest control performed in greenhouses, plant nurseries, on agricultural crops, trees, groves, orchards and other agricultural areas.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

PET GROOMING SERVICE — A facility engaged in the manicuring, bathing, clipping and styling of pets.

PLASMA CENTER — A business which provides compensation to patrons for plasma drawn from the human body.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

POLITICAL SIGN — A sign erected for the benefit of a political candidate, party or position.**[Amended 4-16-1996 ATM by Art. 9, approved 7-29-1996]**

PRINTING, LARGE-SCALE — A printing establishment generally serving account customers and utilizing a sheet-fed or web-fed press rather than a typical one-person offset press.

PRINTING, SMALL-SCALE — A printing establishment generally serving both walk-in and account customers, utilizing small-scale printing presses which are set up and operated by an individual and may include a bindery person as an assistant. Products primarily consist of business cards, envelopes, letterheads, reports, manuals and brochures.

RECORDED — Recorded in the Norfolk Registry of Deeds or registered in the Norfolk District Registry of the Land Court.

RECORDING STUDIO — Any premises or part of a building where there is an assemblage of equipment, spaces and persons such that a performance in sound may be created and recorded onto a medium for later reproduction.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

RECYCLABLE MATERIALS SEPARATION FACILITY — A facility for the collection, separation, compaction, sorting, temporary storage and transfer for reprocessing of residentially and commercially generated recyclable materials, including but not limited to glass, paper, plastic and polystyrene. Separation may include both hand and mechanized sorting, with all activities other than unloading and loading to occur inside an enclosed building.

RECYCLING COLLECTION POINT — A facility that serves as a neighborhood drop-off point for temporary storage of recoverable resources such as bottles, newspapers, glass and cans.

REHABILITATION FACILITY — A freestanding facility or unit of contiguous dedicated beds and spaces within a licensed health service facility that provides short-term, inpatient or outpatient care, post-acute treatment and/or medical services to persons with functional limitations or chronic disabling conditions resulting from physical injury. It uses a coordinated, integrated, interdisciplinary approach to assess, alleviate or ameliorate the disabling effects of injury through physical, psychosocial and cognitive treatment. This does not include facilities meeting the definition of "hospital" or "convalescent/nursing home."**[Added 4-8-2013 by Ord. No. 2012-028]**

RESTRICTIVE MEDIAN — A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

RETAIL FLOOR SPACE — That part of a commercial or retail structure wherein one (1) or more articles of merchandise or commerce are sold at retail, excluding that used exclusively for storage, shipping or

offices for employees of the business, and other non-sales areas.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

RETAIL LIQUOR STORE, LARGE — An establishment with greater than seven thousand (7,000) square feet gross floor area (including refrigerated space) that sells alcoholic and/or malt beverages for consumption off premises.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

RETAIL LIQUOR STORE, SMALL — An establishment with not more than seven thousand (7,000) square feet gross floor area (including refrigerated space) that sells alcoholic and/or malt beverages for consumption off premises.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

RETAIL SALES — The sale of goods, merchandise to the general public for personal or household consumption. Unless otherwise specified in the district use regulations, retail sales exclude automobile repair and service facilities, car washes, gasoline filling stations, automobile sales, automobile painting and body shops, junkyards and salvaging operations and restaurants.

RETAIL, SPECIALTY STORE — A small retail store [size not exceeding seven thousand five hundred (7,500) square feet gross floor area] that sells a broad range of single category goods.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

RETAIL USE, LARGE, FREESTANDING — Any large single-occupant building or unit used for retail purposes exceeding sixty thousand (60,000) square feet gross floor area located in a building or unit, or within a building group of fewer than five (5) units connected by party walls, partitions, canopies and similar features, and designed as a single or freestanding commercial use or group, which may be included or be part of a shopping center, possibly sharing parking areas and vehicular travelways with other buildings or uses and which may be connected by walkways and accessways to other buildings or uses.

SALES, SECONDHAND — The sale of goods, previously owned and/or used by other than a licensed pawnbroker, but does not include:

- (1) The buying or selling by a licensed business of articles which were acquired as a trade-in or a credit upon the purchase of a new article of the same general kind through an arm's length transaction.
- (2) The buying, selling, or trading of coins, gold, silver, or jewelry.
- (3) The selling of used articles in garage sales or other similar sales on the property of the owner of the articles which do not occur more often than six (6) days, or portion thereof, each calendar half year.

SALES, WHOLESALE — The sale of products, to anyone other than the end user of the products, for resale.

SALVAGE YARD — A facility or area for storing or processing scrap or discarded material or equipment which is not considered as another

use under this chapter. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, glass, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources and other products which can be returned to a condition in which they may again be used for production.

SCHOOL — A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools, either public or private.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

SCHOOL, BUSINESS, TRADE, VOCATIONAL — A facility that provides training for employment in business skills such as clerical, data processing and the like, or in trades such as construction skills, heavy equipment operation and the like.**[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

SCHOOL, SPECIAL INSTRUCTION — A facility for the private instruction of skills or activities not directly related to academic pursuits or employment, which may include a dance studio, music studio, gymnastics, craft and/or art studio, exercise studio (not having locker or shower facilities).**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

SENIOR HOUSING — A multiple-family dwelling or dwelling group intended for, and solely occupied by, persons fifty-five (55) years of age or older.

SHOPPING CENTER —

- (1) A group of five (5) or more retail/commercial uses, located in a zoning district where retailing is permitted as a principal use and having any or all of the following characteristics:
 - (a) The uses are connected by party walls, partitions, canopies, and, similar features; or
 - (b) Some or all of the uses are located in separate buildings which are designed as a single commercial group sharing common parking areas and vehicular travelways and are connected by walkways and accessways designed to encourage customer interchange between uses, and otherwise present the appearance of a continuous commercial area without regard to ownership; or
 - (c) The uses are under the same management or association for the purpose of enforcing reciprocal agreements controlling management, parking, site coverage, advertising and similar agreements.
- (2) Shopping centers shall be grouped according to size as follows:

- (a) Shopping center - A [less than fifty thousand (50,000) gross square feet].
- (b) Shopping center - B [from fifty thousand (50,000) gross square feet up to one hundred fifty thousand (150,000) square feet].
- (c) Shopping center - C [from one hundred fifty thousand (150,000) gross square feet up to and including four hundred thousand (400,000) gross square feet].
- (d) Shopping center - D [over four hundred thousand (400,000) gross square feet].

SIGN — Any letter, word, symbol, drawing, picture, device, article or object that advertises, calls attention to or indicates any premises, persons, products, businesses or activities, whatever the nature of the material and manner of composition or construction.¹⁰⁶

SPECIAL PERMIT GRANTING AUTHORITY — The Planning Board, Town Council or Board of Appeals, as determined by reference to Article VIII of this chapter.

SPORTING GOODS SALES/RENTAL — The sale or rental of clothing or equipment designed for sports/recreational purposes, but not to include firearms.

SPORTING GOODS SALES/RENTAL, WITH FIREARMS — The sale or rental of clothing or equipment designed for sports/recreational purposes, including firearms.

STORAGE CONTAINER — A portable or semi-portable container, with or without wheels, which is used for temporary or permanent storage of any materials and is not a permanent part of a building or structure. Containers used for the storage or disposal of solid waste are specifically exempt. **[Added 4-24-2001 ATM by Art. 15, approved 12-21-2001]**

STORY — That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above it. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

STORY, HALF — A story which is situated within a sloping roof, the area of which at the height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

STREET — A way which is over twenty (20) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by

106 Editor's Note: The definition of "standing sign," which immediately followed, was repealed 11-3-1997 STM by Art. 13, approved 2-6-1998.

any other lawful procedure. A street includes all public ways, a way which the Town Clerk certifies is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the Subdivision Regulations¹⁰⁷ and a way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE, NONCONFORMING — A structure lawfully existing at the effective date of this chapter, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this chapter.

SWAP MEET — An open-air market.

SYNTHETIC MARIJUANA — Any nonorganic manufactured variation and/or form of natural marijuana.**[Added 1-28-2013 by Ord. No. 2013-001]**

TABLE OF ALLOWABLE ACTIVITY — A matrix of primary land uses for each zoning district organized into a compressed, accessible format.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

TATTOO PARLOR/STUDIO — A business that marks the skin with any indelible design, letter, scroll, figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with any substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure. A tattoo studio may or may not be operated in conjunction with a body piercing studio.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

TAXI OR LIMOUSINE DISPATCHING SERVICE — A facility engaged in the dispatching of passenger vehicle transportation for hire, including business offices and the parking of vehicles; no servicing of vehicles permitted.

TAXI OR LIMOUSINE OPERATIONS AND SERVICE — The provision of passenger vehicle transportation for hire, including business offices and dispatching.

TOURIST HOME — See "bed-and-breakfast facility."

TOWNHOUSE — A row of at least three (3) one-family attached dwelling units whose side walls are separated from other dwelling by a firewall or -walls. Each unit in the row may be owned by a separate owner if in condominium.**[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

¹⁰⁷Editor's Note: The Subdivision Regulations are on file in the Town Clerk's office.

TRUCK STOP — A facility where a range of services and goods to professional drivers and the general public are congregated, such as fuel sales, vehicle service, overnight accommodations and restaurants.

USE — The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

USE, NONCONFORMING — A use lawfully existing at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one (1) or more provisions of this chapter.

USE, PRINCIPAL — The main or primary purpose for which a structure or lot is designated, arranged or intended or for which it may be used, occupied or maintained under this chapter. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this chapter shall be considered an accessory use.

VARIANCE — Such departure from the terms of this chapter as the Board of Appeals, upon appeal in specific cases, is empowered to grant under the terms of applicable state law.

VENDOR STAND/CART — A temporary table/stand or cart with functional wheels which is not affixed to the ground, and which is operated for the purpose of selling or displaying for sale retail goods/items on a temporary basis[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]

VETERINARY HOSPITAL — A facility for the prevention, cure or alleviation of disease and injury in animals, including surgery.

VIDEO RENTAL STORE — An establishment primarily engaged in the retail rental or lease of videotapes, films, CD-ROMs, laser discs, electronic games, cassettes or other electronic media. Sales of film, videotapes, laser discs, CD-ROMs and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

WHOLESALE — The selling of goods to merchants; usually in large quantities for resale to consumers.[Amended 4-25-2005 ATM by Art. 5, approved 11-18-2005]

WHOLESALE, WAREHOUSING, DISTRIBUTING, REPAIR, RENTAL AND SERVICING OF ANY COMMODITY, EXCLUDING LIVE ANIMALS, EXPLOSIVES AND STORAGE OF FLAMMABLE LIQUIDS AND GASES, LARGE — An establishment involved in storing, stocking, distributing, rental and/or repair of merchandise or commodities where the facility is greater than seven thousand (7,000) square feet gross floor area.[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]

WHOLESALE, WAREHOUSING, DISTRIBUTING, REPAIR, RENTAL AND SERVICING OF ANY COMMODITY, EXCLUDING LIVE ANIMALS, EXPLOSIVES AND STORAGE OF FLAMMABLE LIQUIDS AND GASES, SMALL — An establishment involved in storing, stocking, distributing, rental and/or repair of merchandise or commodities where the facility

is less than seven thousand (7,000) square feet gross floor area. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

ARTICLE II
Districts

§ 200-4. Establishment. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006; 12-3-2007 STM by Art. 1, approved 4-14-2008; 12-16-2013 by Ord. No. 2013-043; 12-30-2013 by Ord. No. 2013-050]

The Town of Randolph is hereby divided into twenty-one (21) districts.

- A. Crawford Square Business District (CSBD).
- B. North Randolph Business District (NRBD).
- C. West Corners Business District (WCBD).
- D. Great Pond Commerce Center Overlay District (GPCCOD).
- E. Blue Hill River Highway District (BRHD).
- F. Great Bear Swamp Highway District (GBHD).
- G. Business District (BD).
- H. Business Professional District (BPD).
- I. Industrial District (ID).
- J. Residential Single Family High Density District (RSHDD).
- K. Residential Single Family Medium Density District (RSMDD).
- L. Residential Multi Family District (RMFD).
- M. Residential Two Family District (R2FD).
- N. Residential Multi Family 55+ District (RMF55+).
- O. Business Housing Authority District (BHAD).
- P. Sanitary Facility District (SFD).
- Q. Wetland and Watershed Protection Overlay District (WWPOD).
- R. Institutional Open Space Overlay District (IOPOD).
- S. Orchard Street Business District (OSBD).
- T. Multifamily Affordability Overlay District (MAOD).
- U. Market Rate Multifamily Overlay District (MRMOD).

§ 200-5. Zoning Map. [Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996; 4-24-2000 ATM by Art. 11, approved 8-17-2000; 4-24-2001 ATM by Art. 22, approved 12-21-2001; 4-25-2005 ATM by Art. 5, approved 11-18-2005]

- A. Districts shall be bounded as shown on a map called "Zoning Map of the Town of Randolph, MA," dated 2005, as amended, which map is hereby specifically referred to and made part hereof and which shall be in the charge of and safely kept by the Building Commissioner of the Town of Randolph appointed hereunder.¹⁰⁸
- B. The Randolph Planning Board is the responsible Town agency to allocate the reference numbers and update the Zoning Code.

§ 200-6. Designation.

For the purpose of general designation only, the districts may be named as follows:

- A. Crawford Square Business District (CSBD). Bordered by the southerly line of Memorial Field Randolph Assessor's Map 54, Block C, Parcel 2.1, to Highland Avenue northerly to Map 56, Block C, Parcels 4, 6 and 5, westerly to the railroad bed, northeast to the property line known as "public storage," Sudbury Farms, Map 55, Block D, Parcels 32, 33, 45, 42 and 37, West Street, easterly to North Main Street, southerly to Pleasant Street, Map 47, Block B, Parcel 1, easterly to the property known as the "Callahan property," Map 47, Block E, Parcel 2, to encompass the existing industrial property and easterly to the property known as "Brockton Credit Union," Map 47, Block E, Parcels 15 and 13, southerly down Cottage Street from Map 53, Block A, Parcel 1, to the rear of the property line of Map 53, Block A, Parcel 2, westerly to encompass lots Map 53, Block A, Parcel 5, Map 53, Block B, Parcel 1, Parcels 13, 5 and 9, southerly to Short Street bordering Map 53, Block C, Parcels 10 and 9, easterly to North Street, Map 53, Block C, Parcels 9, 4, and 7, and Map 53, Block G, Parcels 25 and 1, easterly down Union Street to encompass lot lines of Map 62, Block A, Parcels 1, 2, 3.1, 3.2, 32 and 28, to South Main Street, across South Main Street to Map 61, Block C, Parcels 19 and 45, to Memorial Field and all areas within those boundaries as is set forth in the plan Crawford Square Business District, Annual Town Meeting 2005, Article 5. **[Added 4-25-2005 ATM by Art. 9, approved 11-18-2005]**
- B. North Randolph Business District (NRBD).
- C. West Corners Business District (WCBD).
- D. Great Pond Commerce Center Overlay District (GPCCOD).
- E. Blue Hill River Highway District (BRHD).
- F. Great Bear Swamp Highway District (GBHD).
- G. Business District (BD).
- H. Business Professional District (BPD).

¹⁰⁸Editor's Note: The Zoning Map is on file in the Town Clerk's office.

- I. Industrial District (ID).
- J. Residential Single Family High Density District (RSHDD).
- K. Residential Single Family Medium Density District (RSMDD).
- L. Residential Multi Family District (RMFD).
- M. Residential Two Family District (R2FD).
- N. Residential Multi Family 55+ District (RMF55+).
- O. Business Housing Authority District (BHAD).
- P. Sanitary Facility District (SFD).
- Q. Wetland and Watershed Protection Overlay District (WWPOD).
Watershed and Wetlands Protection Districts: all land designated as such, as shown and delineated on a set of sixty-one (61) maps of the Town of Randolph, entitled "Watershed and Wetlands Protection Districts, Randolph, Mass.," dated April 30, 1972, by Avis Airmap of Brookline, Massachusetts, which set of maps is hereby incorporated as part of this chapter.¹⁰⁹
 - (1) District 1 is located within the area bounded on the north by the Braintree Town line, on the east by Braintree and Holbrook Town lines, on the south by Union Street (Route 139) and on the west by North Street.
 - (2) District 2 is located within the area bounded on the north by Pond Street and the Braintree Town line, on the east by North Street, on the south by North and North Main Streets and on the west by North Main Street.
 - (3) District 3 is located within the area bounded on the north by West Street, North Main Street and Union Street (Route 139), on the east by the Holbrook Town line, on the south by the Avon Town line, on the west by the Stoughton Town line.
 - (4) District 4 is located within the area bounded on the north by Canton and Reeds Streets, on the east by North Main Street, on the south by West Street and on the west by the Stoughton and Canton Town lines and Route 24.
 - (5) District 5 is located within the area bounded on the north by the Blue Hill River, on the east by the Braintree Town line and Pond Street, on the south by Reed Street and Canton Street and on the west by Route 24.
 - (6) District 6 is located within the area bounded on the north by the Blue Hill River, on the east by Route 24, on the south by the Canton line and on the west by the Canton Town line.

109Editor's Note: Said maps are on file in the Town Clerk's office.

- R. Institutional Open Space Overlay District (IOPOD). **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- S. Orchard Street Business District (OSBD). Bordered by Map 30, Block C, Parcel 6, northerly to Map 30, Block B, Parcel 5, westerly to Map 30, Block B, Parcel 5, southerly to Map 30, Block C, Parcel 6. **[Amended 12-16-2013 by Ord. No. 2013-043]**
- T. Market Rate Multifamily Overlay District (MRMOD).
- U. Multifamily Affordability Overlay District (MAOD).

§ 200-7. Interlocal cooperation.

When a lot is situated in part in the Town of Randolph and in part in an adjacent municipality, the provisions of this chapter shall be applied to the portion of such lot which is situated in the Town of Randolph in the same manner as if the entire lot were situated in the Town of Randolph; provided, however, that no use of any such lot shall be authorized or approved without consultation with the Planning Board of such abutting municipality in which the non-Randolph portion of the lot is situated and the use of the lot made harmonious with the zoning regulations of such abutting municipality insofar as it is practical so to do.

ARTICLE III
Use Regulations

§ 200-8. Agricultural uses: sale of products.

- A. In all districts, the use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture and the expansion or reconstruction of existing structures related thereto, including those facilities for the sale of produce and wine and dairy products, shall be permitted; provided, further, that the majority of such produce and wine and dairy products must be produced by the owner of the land on which the facility for the sale of such products is located. All of the uses permitted above are limited to parcels of land which are five (5) acres or larger.
- B. Marijuana. The sale, cultivation or harvesting of marijuana in any form whatsoever, on any land within the Town of Randolph, shall not be construed so as to fall within this section and shall not be considered agriculture. **[Added 1-28-2013 by Ord. No. 2013-001; amended 5-6-2013 by Ord. No. 2013-004]**

§ 200-9. Trailers and trailer camps.

- A. No trailer camp or court shall be permitted in Randolph. A trailer camp or court is defined as more than one (1) trailer.
- B. No trailer, storage container (excluding solid waste container) or mobile home shall be used in the Town as a residence; a place of business; or for storage or accessory use; except trailers used for government or public utility construction projects, or for temporary office purposes on construction sites, while construction is in progress; or trailers and/or storage containers or mobile homes used for temporary political purposes or by a temporary carnival/fair sponsored by a not-for-profit organization. All such trailers, storage containers or mobile homes shall comply with all the regular and special regulations of the Board of Health, Plumbing Inspector, Building Commissioner, and Wiring Inspector, insofar as applicable to trailers, storage containers or mobile homes.
 - (1) Exempt from these provisions are recreational vehicles, travel trailers, tent trailers, boat trailers, or mobile homes which are parked or stored but not used as a residence or place of business or for business use. There is to be no more than one (1) such vehicle per lot and it must be parked or stored in compliance with front, side and rear yard requirements of Article VI, §§ 200-28, 200-29, and 200-30, of this chapter.
 - (2) Any site used for the sale, lease or storage of trailers, storage containers or mobile homes and not in use when this amendment is adopted shall require a special permit per the requirements of

§§ 200-43 through 200-46. **[Amended 4-24-2001 ATM, Art. 15, approved 12-21-2001]**

- C. A nonconforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot, provided that doing so renders the structure less nonconforming than previously, and used as before, provided that such repair, reconstruction or restoration shall be completed within two (2) years of said accidental damage or destruction. **[Added 4-24-2001 ATM by Art. 24, approved 12-21-2001]**
- D. The owner or occupier of a residence or business which has been destroyed by fire or other natural holocaust may place a mobile home or trailer on the site of such residence or business and reside in such home, for a period not to exceed twelve (12) months, while such residence is being rebuilt, or use for business such home or trailer, for a period not to exceed twelve (12) months, while such business is being rebuilt. Any such mobile home or trailer shall be subject to the provisions of the State Sanitary Code. **[Added 4-24-2001 ATM by Art. 24, approved 12-21-2001]**

§ 200-10. Residential districts.

No building or structure shall be erected which is designed or intended to be used for mercantile, mechanical, manufacturing or other commercial use on land situated in a residential district or zone, except as hereinafter provided.

- A. Permitted uses. In a residential district, no building shall be erected, altered or used and no premises shall be used except for one (1) or more of the following uses: one-family dwellings, houses of worship, child-care facilities, schools, group homes for disabled persons, parish houses, municipal structures, including water towers and pumping stations, and accessory uses on the same lot with and customarily incidental to any of the above permitted uses, except as provided below. **[Amended 4-28-2003 ATM by Art. 18, approved 10-1-2003]**
- B. Limitations on accessory uses. The following are specifically declared not to be accessory uses in residential districts or zones and are forbidden therein:
 - (1) Furnishing, advertising or maintaining accommodations for more than three (3) boarders, lodgers or paying guests.
 - (2) Erecting or maintaining signs except as permitted in Article IX of this chapter.
- C. Limitation of coverage. In a residential district, no one- or two-family dwelling house shall cover more than twenty percent (20%) of the lot area.

- D. Storage of junk or debris. In a residential district, the storage of junk or debris for more than sixty (60) days, and after notification by the Building Commissioner, is prohibited unless such junk or debris is fully enclosed within a building. Any person so notified shall have thirty (30) days to comply with this Subsection D. Any person found in violation of this Subsection D after the expiration of such thirty-day period may be fined \$25 for each day the violation exists. **[Added 4-20-1999 ATM by Art. 5, approved 8-23-1999]**
- (1) For purposes of this Subsection D, "junk" and "debris" shall include, but not be limited to, scrap metal, construction material, unsafe or dilapidated accessory buildings, rags, plastics, batteries, paper, trash, furniture, appliances, automobile parts, and other materials or items which are not in active use for any purpose authorized in a residential district.
 - (2) Conditions existing at the date of adoption of this Subsection D which constitute the storage of junk or debris as prohibited herein shall be brought into compliance within six (6) months of approval of this Subsection D.
 - (3) Nothing in this Subsection D, and no action taken under this Subsection D, shall bar or affect the authority of any other Town department or agency to take action based on health, safety, or other violations pursuant to any other bylaw or statutory provisions.
- E. (Reserved)
- F. Home occupations. **[Added 5-14-2001 ATM by Art. 28, approved 12-21-2001]**
- (1) General. Home occupations shall be permitted in residential districts, provided the home occupation is clearly and obviously subordinate to the main use of the dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure of the premises.
 - (2) Conditions.
 - (a) The home occupation shall not exceed fifteen percent (15%) of the floor area of the primary structure.
 - (b) Other than those related by blood, marriage or adoption, no more than one (1) person may be employed in the home occupation.
 - (c) Inventory and supplies shall not occupy more than fifty percent (50%) of the area permitted to be used as a home occupation.
 - (d) There shall be no exterior display or storage of goods on said premises.

- (e) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one (1) patron vehicle is on the premises at the same time. Two (2) additional parking spaces shall be provided on the premises, except only one (1) need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements of §§ 200-19 and 200-22B, Dwellings.
 - (f) Before said home occupation opens for business, a business certificate for the home occupation shall be obtained from the Town Clerk. Furthermore, a current business certificate issued by the Town Clerk shall be a requirement to conduct the home occupation.
 - (g) Any commercial use conducted as a home occupation shall not involve the use of any accessory building or yard space, nor involve any activities not normally associated with residential use outside of the principal building. **[Added 4-25-2005 ATM by Art. 5, approved 10-18-2005]**
- G. Storage of recreational vehicles. Recreational vehicles, including, but not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer and boat, shall be parked or stored in compliance with the front yard requirements of § 200-28 of this chapter. **[Added 4-24-2001 ATM by Art. 14, approved 7-24-2001]**
- H. Use of temporary structures. **[Added 4-28-2003 ATM by Art. 18, approved 10-1-2003]**
 - (1) A structure of detached, accessory character, such as, but not limited to, a vehicle shelter or covering, may be erected and maintained for a period not exceeding one hundred eighty (180) days. It shall be used only for the covering of a private vehicle or a recreational vehicle used by the owner/resident of the property and not as storage space. It shall be limited to one (1) such structure per lot, and a building permit is required prior to the erection of the temporary structure.
 - (2) Said temporary structure shall be placed in compliance with front yard requirements of § 200-28 and side yard requirements of § 200-29 of this chapter.

§ 200-11. Business Districts, Business Professional Districts, Crawford Square Business District, North Randolph Business District, West Corners Business District, Blue Hill River Highway District, Great Bear Swamp Highway District and Orchard Street Business District. [Amended 5-25-2005 ATM by Art. 5, approved 10-18-2005; 5-22-2006 ATM by Art. 42, approved 10-17-2006; 12-19-2011 by Ord. No. 2011-009]

No building or structure shall be erected which is designed or intended to be used for residential use or for manufacturing, mechanical or other industrial use in a Business District or Business Professional District or zone, except as hereinafter provided.

A. Permitted uses in Business Districts. The following uses are permitted in a Business District:

- (1) Any use permitted in a residential district or zone, but not to include multifamily dwellings, two-family units and single-family units.
- (2) Retail or wholesale stores and any and all establishments wherein goods or services or either of them are sold, rented or offered directly to the consumer, customer or other patron, including, among others, garages, tailor shops, plumbing and heating establishments, professional offices, restaurants and the like, provided they comply with the Table of Allowable Activity.¹¹⁰
- (3) See the Table of Allowable Activity for uses subject to a special permit.

B. Permitted uses in Business Professional Districts. The following uses are permitted in a Business Professional District:

- (1) Any use permitted in a Business District or zone, but not to include the following: hospitals, hotels, motels, nursing homes, retail or wholesale stores, greenhouses, nurseries, theaters, private schools, barbershops, beauty salons, public utilities, stables and kennels, provided they comply with the Table of Allowable Activity.¹¹¹
- (2) Office or professional uses in which services are offered or rendered to the public by professionals not resident therein, including, among others, professional offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance or investment counselors, real estate offices and social workers, provided they comply with the Table of Allowable Activity.¹¹²

~~110~~Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

~~111~~Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

~~112~~Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

- (3) See the Table of Allowable Activity for uses subject to a special permit.
- C. The Crawford Square Business District (CSBD) is intended to recognize and enhance the role of North Main Street and the Crawford Square area as the Town's principal focus for civic, cultural and social functions. Complementary office and related uses form the center for commercial, financial, professional, and governmental activities to provide all basic services and amenities required to keep the downtown the vital center of our community. The Crawford Square Business District (CSBD) not only accommodates but encourages a higher density of small-scale establishments offering a wide variety of goods and services. It also provides for family dwellings living in upper floors of business buildings. Intensive development oriented to pedestrians is anticipated, and while mixed-use development is appropriate in certain areas, any uses which interrupt pedestrian circulation and shopping patterns are discouraged. No building or structure shall be erected that is designed or intended to be used for residential use or for manufacturing or other mechanical use in the Crawford Square Business District or zone except as herein provided.
- (1) Permitted uses in the Crawford Square Business District (CSBD). The following uses are permitted in the CSBD:
- (a) Dwelling units: single-family dwellings.
 - (b) Mixed-use development multiple units. The combination of residential and business uses on a single lot shall be permitted within the Crawford Square Business District in order to promote the general welfare of the community by assuring the economic vitality of its downtown business area while minimizing potential adverse impacts upon nearby neighborhoods and other premises. This purpose is to be achieved through the establishment of controls specifically for mixed business and residential uses at locations where either such uses already exist or they would be appropriate because of access and other geographical considerations.
 - [1] Mixed-use development multifamily units. Any dwelling unit located within a multifamily mixed-use development within the Crawford Square Business District must meet minimum requirements; such unit shall have:
 - [a] Not less than six hundred twenty-five (625) square feet of usable living area;
 - [b] Not more than two (2) bedrooms;
 - [c] At least one (1) full bath; and
 - [d] Its own laundry hook-ups. There shall be no shared laundry facilities on premises.

- (c) Retail stores: retail stores and establishments wherein goods and services, or either of them, are sold or offered directly to consumers as provided in the Table of Allowable Activity.¹¹³
 - (d) Office or professional uses: office or professional services in which services are offered or rendered to the public by professionals not resident therein, including, among others, professional offices for medical doctors, dentists, engineers, architects, lawyers, accountants, landscape architects, chiropractors, podiatrists, optometrists, psychologists, insurance or investment counselors, real estate offices, or social workers and others, provided they comply with the Table of Allowable Activity.¹¹⁴
 - (e) See the Table of Allowable Activity for uses subject to a special permit.
 - (f) Unless allowed as of right pursuant to § 200-80, wireless communications facilities are subject to a special permit issued by Town Council. See § 200-57.
 - (g) Notwithstanding the provisions of § 200-3, the Town Council, as the special permit granting authority, may allow the construction of more than one (1) building on a single lot located within the Crawford Square Business District, so long as each building is otherwise in compliance with the requirements of this § 200-11.
 - (h) Accessory dwelling units.
- (2) Proscribed uses in the Crawford Square Business District (CSBD). In order to facilitate and develop the intent of the Town's Master Plan, to be consistent with Smart Growth principles, and to develop a cohesive and diverse commercial and cultural center that provides for pedestrian-friendly and civic life, the following uses are proscribed: See Table of Allowable Activity.¹¹⁵ **[Amended 10-15-2012 by Ord. No. 2012-011]**
- (3) The CSBD shall be governed by the Table of Allowable Activity, as adopted and as may be amended, which is hereby specifically incorporated by reference herein.
- D. The North Randolph Business District, West Corners Business District and Orchard Street Business District are intended to provide areas of low commercial development density. They provide locations within the Town for small, convenient office and personal service areas. Commercial development in these districts shall cater to the residents of Randolph and nearby areas, remain small enough in scale to be

113Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

114Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

115Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

well integrated into a neighborhood setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from a nonresidential use. **[Amended 12-16-2013 by Ord. No. 2013-043]**

- E. The Blue Hill River Highway District and Great Bear Swamp Highway District is intended to provide general retail sales, services, and business space within the Town of Randolph in locations capable of conveniently servicing community-wide and/or regional trade areas, and oriented primarily to automobile access. Businesses are positioned on streets which abut, front on, or have access to a major highway.
- (1) Notwithstanding the provisions of § 200-3, the Town Council, as the special permit granting authority, may allow the construction of more than one (1) building on a single lot located within the Great Bear Swamp Highway District, so long as each building is otherwise in compliance with the requirements of § 200-11. **[Added 10-15-2012 by Ord. No. 2012-011]**
- F. If any provisions of these subsections shall be held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 200-11.1. Exterior metal rolling grates on buildings. [Added 4-16-1996 ATM by Art. 6,¹¹⁶ approved 7-29-1996; amended 5-25-2005 ATM by Art. 5, approved 10-18-2005; 5-22-2006 ATM by Art. 50, approved 10-17-2006]

No person shall install, maintain or use upon the exterior of any building or structure located within any district in the Town of Randolph, except industrial districts, an external metal rolling door or shutters, external metal grille or external metal bars. Nothing in this § 200-11.1 shall prohibit the installation, maintenance or use of such equipment within the interior vertical plane of a building or structure. Further, notwithstanding the foregoing prohibition, nothing in this § 200-11.1 shall be deemed to supersede any applicable provisions of the State Building Code, MGL c. 143, §§ 93 through 100, or of any other statute or regulation of the Commonwealth of Massachusetts. In the event of any conflict between this section and any provisions referred to in the preceding sentence, such provisions shall prevail, and all buildings and structures otherwise regulated by this section shall conform to such other provisions.

116Editor's Note: This article provided that the provisions of 4-18-1995 ATM, Art. 15, approved 8-2-1995, be included in the Code as § 200-11.1.

§ 200-12. Industrial Districts. [Amended 4-16-1996 ATM by Art. 9, approved 7-29-1996; 4-24-2001 ATM by Art. 22, approved 12-21-2001; 10-25-2010 by Ord. No. 2010-036; 12-19-2011 by Ord. No. 2011-009]

No building or structure shall be erected in an industrial district which is designed or intended to be used as a single-family or multifamily dwelling unit or for any injurious, noxious or offensive trade or industry in an industrial district or zone.

A. (Reserved)

B. Permitted uses. The following uses are permitted in an industrial district:

- (1) Any use permitted in a residential or business district, but not to include one-family, two-family or multifamily dwelling units.
- (2) Any use permitted in a Business Professional District.
- (3) Any manufacturing, mechanical or other industrial use not injurious, noxious or offensive.
- (4) See Table of Allowable Activity for uses subject to a special permit.¹¹⁷
- (5) Wireless communications facilities are subject to a special permit issued by the Town Council, see § 200-57.
- (6) Nonaccessory signs are permitted subject to a special permit by the Town Council.
- (7) Nonaccessory signs are not permitted in the Great Pond Commerce Center Overlay District.

§ 200-13. Business HA Districts. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]

No building or structure shall be erected in a Business HA District which is designed or intended for any purpose other than state- or federal-aided multiple-unit low-income housing for the elderly or development apartments under the supervision of the Randolph Housing Authority and for those other uses according to the Table of Allowable Activity.¹¹⁸

§ 200-14. Multifamily districts.

No building or structure shall be erected in a multifamily district which is designed or intended to be used as a single-family dwelling unit or for a mercantile, mechanical, manufacturing or other commercial use on land situated in multifamily districts or zones, except as hereinunder provided.

117Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

118Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

- A. Permitted uses. The following uses are permitted in a multifamily district:
- (1) Multifamily apartment houses as defined in the State Building Code for exclusive residential occupancy, but not stores or offices in such buildings, except that one (1) room in one (1) residential suite in such a building may be used as an office for renting apartments in that building. No building may be constructed unless public sewerage is available, under the rules and regulations of the Sewer Department of the Town of Randolph.
 - (2) Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.
 - (3) Erecting or maintaining signs as permitted in Article IX of this chapter.
- B. Permitted uses. A multifamily 55 plus dwelling shall constitute housing intended for persons of age fifty-five (55) or over within the meaning of MGL c. 151B, § 4, and 42 U.S.C. § 3601, and, in accordance therewith, one hundred percent (100%) of the dwelling units shall be owned and occupied by at least one (1) person fifty-five (55) years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, as the same are currently in effect and as the same may be amended. The following uses are permitted in a Multifamily 55 Plus District: **[Added 11-18-2002 ATM by Art. 2, approved 1-21-2003]**
- (1) Multifamily dwellings as defined in this chapter. No building may be constructed unless public sewerage is available under the rules and regulations of the Sewer Department of the Town of Randolph.
 - (2) Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.
 - (3) Erecting or maintaining signs as permitted in Article IX of this chapter.
 - (4) Cluster development and construction permitted for those sites containing a minimum of five (5) acres, pursuant to MGL c. 40A, § 9, and in accordance with MGL c. 41, §§ 81K to 81GG, inclusive.

§ 200-14.1. Multifamily Affordability Overlay District. [Added 12-3-2007 STM by Art. 1, approved 4-14-2008]

- 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 Article VI of this chapter; provided, however, that the applicant complies with the requirements below.

B. Requirements.

- (1) The district 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," prepared by Hancock Associates, dated August 15, 2007, recorded with the Norfolk Registry of Deeds as Plan No. 80 of 2007 in Plan Book 573.
- (2) The requisite percentage of the newly constructed dwelling units within a multifamily apartment complex or condominium shall constitute low- or moderate-income housing, as defined in 760 CMR 30.02, in order that all of the newly constructed units shall count on the Subsidized Housing Inventory, as defined by and subject to the approval of the Massachusetts Department of Housing and Community Development.
- (3) A special permit shall have been issued by the Town Council under such conditions as the Town Council may require.
- (4) Performance of mitigation measures imposed by the Town Council, which mitigation measures may include monetary payments intended to offset the direct or indirect impact caused by the issuance of the special permit.
- (5) Any applicant seeking approval pursuant to this overlay district shall be required to follow and document for the permit granting authority full compliance with the regulations of the Massachusetts Waste Ban as defined in the Mass Code of Municipal Regulations and shall be responsible for providing collection facilities and equipment for all residents to accomplish this mandate for compliance.

C. Scope of authority.

- (1) Overlay district. The Multifamily Affordability Overlay District shall be deemed to be an overlay district. The requirements set forth in this § 200-14.1 shall constitute an alternative set of standards for development and use of real property within the Multifamily Affordability Overlay District; provided, however, that all the requirements of this § 200-14.1 are satisfied. If an applicant does not elect to proceed pursuant to this § 200-14.1, or does not satisfy all of the requirements of this § 200-14.1, then all other requirements of the underlying zoning district shall apply to the property in the alternative set of standards for development and use of real property within the Multifamily Affordability Overlay District shall not apply.
- (2) The regulations in this section shall govern all new construction as well as reconstruction or expansion of new or existing buildings, and shall also govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements

of this § 200-14.1 are more or less restrictive than those of the comparable regulations for the underlying district at that location. The provisions of this § 200-14.1 shall supersede those of §§ 200-19 to 200-22, inclusive, §§ 200-28 to 200-30, inclusive, and §§ 200-34 and 200-35, inclusive. On all other matters, the provisions applicable to the Residential Multifamily District shall continue to govern.

D. Dimensional, lot coverage and area requirements.

- (1) Floor area ratio. When calculating floor area ratio in a Multifamily Affordability Overlay District, a thirty-three percent (33%) density bonus ("density bonus") shall be allowed as follows: With respect to new construction on the lot, or a portion of the lot, with existing buildings, the density bonus shall be applied to the then-existing floor area ratio on the lot. With respect to new construction on a lot, or a portion of a lot, that does not contain existing buildings, the density bonus shall be thirty-three percent (33%) of the then-current floor area ratio in the Residential Multifamily District.
- (2) Maximum lot coverage. Buildings in a Multifamily Affordability Overlay District shall not exceed twenty percent (20%) of the area of the lot on which they stand, and not more than fourteen (14) family units per acre of land covered by the lot shall be permitted.
- (3) Building height requirements. Any buildings in a Multifamily Affordability Overlay District may contain a maximum of four (4) stories and shall not exceed fifty-five (55) feet in height, provided that the respective building or buildings are not within sixty-five (65) feet of a residential district within the Town of Randolph or a lot located within the Town of Randolph used primarily for residential purposes. All height measurements shall conform to the requirements of the State Building Code, 780 CMR 502.
- (4) Impervious lot coverage. In the building or buildings in a Multifamily Affordability Overlay District, no lot shall be developed such that the buildings thereon and other impervious surfaces added thereto cover more than forty-five percent (45%) of the overall lot area.
- (5) Off-street parking in a Multifamily Affordability Overlay District. Notwithstanding anything in the Zoning Code to the contrary, in a Multifamily Affordability Overlay District, the off-street parking requirements shall be the following:
 - (a) For each one-bedroom apartment there shall be a minimum of one and five-tenths (1.5) parking spaces. Furthermore, each additional bedroom in an apartment, in excess of the first bedroom, shall require an additional twenty-five-hundredths (0.25) parking space.

- (b) The net area for each individual parking space required shall be not less than one hundred sixty-two (162) square feet. Each such parking space shall have a length of not less than eighteen (18) feet and a width of not less than nine (9) feet.
- (c) Twenty percent of the required parking spaces for the respective Multifamily Affordability Zone may be designed for compact cars.
- (d) The number of required spaces shall be based on § 200-22 hereunder, and not be based on the amount of gross floor area in the respective zone.

E. Multifamily Affordability Overlay District plan review authority.

- (1) Plan review authority. For the purposes of reviewing a proposed new project intending to be governed by the dimensional requirements set forth in this § 200-14.1, a plan review authority (PRA) shall be formed for the sole purpose of advising the Town Council on a proposed Multifamily Affordability Overlay District project. Once formed, the PRA shall serve for a three-year term, and shall be composed of one (1) member of the Town Council, one (1) member of the Planning Board, one (1) member of the Board of Health, one (1) member of the DPW, with each member appointed by his/her respective board, and the Fire Chief or his designee. After completion of the below-described analysis, but prior to the Town Council meeting during which the special permit is voted upon, the PRA shall issue a recommendation to the Town Council as to its approval or disapproval of the proposed project.
- (2) Proposed project application. In order for the PRA to properly review a proposed development, a proposed project application shall be submitted to the PRA on the form provided by the PRA, along with the review materials and an application fee of \$1,500 to cover administrative costs.
- (3) Peer review. If requested by the PRA, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the proposed project application and review materials. Should the PRA reasonably decide that peer review is required, the applicant shall pay an initial deposit of \$15,000, which amount may be reasonably subject to replenishment.
- (4) Review materials. The person or entity proposing the project within a Multifamily Affordability Overlay District shall submit four (4) copies of the following materials (the "review materials") to the PRA:
 - (a) A current plan, at an appropriate scale of at least one-inch equals forty (40) feet, or at a scale as approved in advance by the PRA, of the existing property showing:

- [1] The perimeter dimensions of the lot; Assessors Map, lot and block numbers;
 - [2] All existing buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas;
 - [3] Existing major natural features, including streams, wetlands and all trees six (6) inches or larger in caliper (Caliper is girth of the tree at approximately waist height.);
 - [4] Internal roads, sidewalks and parking areas; and
 - [5] Total site area in square footage and acres and area to be set aside as public open space, if appropriate;
- (b) The proposed site plan or plans, at an appropriate scale of at least one (1) inch equals forty (40) feet, or at a scale as approved in advance by the PRA, for the proposed development or redevelopment prepared by a certified architect, landscape architect, professional land surveyor, and/or a civil engineer registered in the Commonwealth of Massachusetts;
- (c) Landscape plans prepared by a certified landscape architect registered in the Commonwealth of Massachusetts showing all proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract, with types, quantities, and sizes of proposed plantings;
- (d) Proposed floor plans for all of the proposed dwelling units. The area in square feet of each proposed dwelling unit should also be indicated in the floor plans;
- (e) A marketing plan showing:
- [1] The proposed residential density in terms of dwelling units per acre;
 - [2] Types of proposed commercial uses, if any, in terms of floor area;
 - [3] Recreational areas; and
 - [4] A breakdown of the number of dwelling units based on the number of bedrooms within the proposed dwelling units;
- (f) Location sketch map(s), which indicates surrounding streets and properties and any additional abutting lands owned by the applicant;

- (g) Representative elevation sketches of buildings that indicate the height of building(s) and type of construction material of the exterior facade; and
 - (h) Other materials which may be submitted to the PRA include, but are not limited to, any other information which may include required traffic, school, utilities impact studies and in order to adequately evaluate the scope and potential impacts of the proposed project, including a grading plan, parking layout plan, utilities plan, and lighting plan.
- (5) PRA procedures.
- (a) Circulation to other boards. Upon receipt of the proposed project application, the PRA shall, within seven (7) days, provide a copy of the application materials to the Town Council, Zoning Board of Appeals, Board of Health, Planning Board, Conservation Commission, Fire Department, Police Department, Building Commissioner, Planning Department, Department of Public Works and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall be invited to provide written comments within thirty (30) days of receipt of the review materials.
 - (b) PRA review period. For each respective proposed project, a specific PRA review period shall begin on the date of the proposed project application and conclude on the day of the meeting during which the Town Council will vote on whether to grant a special permit to a proposed project within a Multifamily Affordability Overlay District.
 - (c) PRA meetings. No less than twenty (20) days prior to the meeting during which the Town Council will vote on a special permit for a proposed project within a Multifamily Affordability Overlay District, the PRA may hold a public hearing for which notice has been given as provided in MGL c. 40A, § 11. Such meeting is intended to allow the PRA to openly discuss a proposed development and for the person or entity proposing to construct affordable housing to answer questions or concerns from interested parties.
 - (d) PRA recommendation. The PRA shall issue its recommendation to the Town Council prior to, or at, the meeting during which the Town Council will vote on whether to grant a special permit to a proposed project within a Multifamily Affordability Overlay District. Failure of the PRA to make such a recommendation shall be deemed to be an approval of the proposed project.

§ 200-14.2. Market Rate Multifamily Overlay District. [Added 12-30-2013 by Ord. No. 2013-050]

A. Purpose. The purpose of the Market Rate Multifamily Overlay District (MRMOD) is to promote the development of high-end multifamily housing for the community. The purpose is to be achieved by modifying the dimensional restrictions in the Residential Multifamily District provided in Article VI of this chapter; provided, however, that the applicant shall comply with the requirements set forth below.

B. Requirements.

(1) The MRMOD shall consist of the following lots:

Assessor's Map	Lot Number
Map 3 Block O	Lot 1.01
Map 3 Block O	Lot 1.30
Map 3 Block O	Lot 4.01

(2) The market rate multifamily development (MRMD) shall contain all market-rate units. A market-rate unit is a unit generally rented at a price affordable to households earning one hundred percent (100%) of area median income, but market rents are a direct comparison of a submarket's rents with other properties in that market and may be adjusted to a rate that the market can bear.

(3) The MRMD shall require a special permit from the Town Council acting as special permit granting authority (SPGA) with such conditions as may be required.

(4) Performance or mitigation measures may be imposed by the SPGA, which may include monetary payments intended to offset the direct or indirect impacts caused by the MRMD.

(5) An applicant seeking approval of a special permit shall be required to submit to the SPGA documents showing full compliance with the Massachusetts Waste Ban. The applicant shall be responsible for providing collection facilities and equipment for all residents to ensure such compliance.

C. Scope of authority.

(1) The MRMOD shall be deemed to be an overlay district. The requirements set forth in this § 200-14.2 shall constitute an alternative set of standards for the development and use of real property within the MRMOD, provided a special permit is granted and a building permit thereunder is obtained. If the applicant does not intend to proceed pursuant to this § 200-14.2, then all other requirements of the underlying zoning district(s) shall apply to the property. If the applicant obtains a special permit for a MRMD and subsequently obtains a building permit thereunder, the requirements of the underlying district(s) shall no longer be in effect.

- (2) The regulations in this § 200-14.2 shall govern all new construction and shall govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements of this § 200-14.2 are more or less restrictive than those of the underlying district(s). The provisions of this § 200-14.2 shall supersede those of §§ 200-19 to 200-22, inclusive, §§ 200-28 to 200-30, inclusive, and §§ 200-34 and 200-35. On all other matters, this chapter shall apply.

D. Dimensional, lot coverage, and lot area requirements.

- (1) Minimum lot area: ten (10) acres.
- (2) Minimum lot frontage: one hundred (100) feet.
- (3) Building lot coverage: The maximum building lot coverage shall be fifty percent (50%).
- (4) Impervious lot coverage: The maximum impervious lot coverage shall be thirty percent (30%).
- (5) Total lot coverage: The maximum total lot coverage shall be eighty percent (80%).
- (6) Minimum setbacks: forty (40) feet to residential districts, ten (10) feet otherwise. Setbacks will include landscaped buffers.
- (7) Maximum building height: four (4) stories with basement; maximum height not to exceed sixty (60) feet as measured by the State Building Code; pitched-roof buildings to be measured from the average grade of the building measured six (6) feet from the building face to the midpoint between the eave and the peak of the roof.

E. Design standards.

- (1) Building location. All buildings within one hundred thirty (130) feet of a residential district shall not exceed thirty-five (35) feet in height.
- (2) Parking. Parking shall be provided at the rate of one and four-tenths (1.4) spaces per one-bedroom unit, one and eight-tenths (1.8) spaces per two-bedroom unit, and two (2) spaces per townhome unit [one (1) garage and one (1) driveway]. Adequate parking shall also be provided for any clubhouse or leasing office.
- (3) Landscaping buffers. All buildings shall be set back forty (40) feet from the residential district boundary, and ten (10) feet otherwise. These buffers shall be adequately landscaped to minimize the visibility of the MRMD's parking areas, waste storage and recycling facilities.

- (4) Density. Maximum density shall not exceed thirty (30) dwelling units per acre in the MRMOD.
- (5) Building design. All buildings shall be wood frame with pitched roof.

F. Plan review authority.

- (1) Plan review authority. For the purposes of reviewing a proposed MRMD, a plan review authority ("PRA") shall be formed for the sole purpose of advising the SPGA on a proposed MRMD. Once formed, the PRA shall serve for a three-year term, and shall be composed of three (3) members of the Town Council, one (1) member of the Planning Board, and one (1) member of the Board of Health, with each member appointed by his respective board, plus the Town Council President, the DPW Superintendent, the Fire Chief or his designee, and one (1) member of the general public appointed by the Town Manager. After completion of the below-described analysis, but prior to the SPGA meeting at which the special permit is voted upon, the PRA shall issue a recommendation to the SPGA as to its approval or disapproval of the MRMD.
- (2) Proposed project application. In order for the PRA to properly review a proposed MRMD, a proposed MRMD application shall be submitted to the PRA on the form provided by the PRA, along with the review materials and an application fee of \$1,500 to cover administrative costs.
- (3) Peer review. If requested by the PRA, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the proposed MRMD application and review materials. Should the PRA reasonably decide that peer review is required, the applicant shall pay an initial deposit of \$15,000, which amount may be reasonably subject to replenishment, all pursuant to MGL c. 44, § 53G.
- (4) Review materials. The person or entity proposing the MRMD shall submit fourteen (14) copies of the following materials (the "review materials") to the PRA:
 - (a) A current plan, at an appropriate scale of at least one (1) inch equals forty (40) feet (1"=40'), or at a scale as approved in advance by the PRA, of the existing property showing:
 - [1] The perimeter dimensions of the lot; Assessor's Map, lot and block numbers;
 - [2] All existing buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas;

- [3] Existing major natural features, including streams, wetlands and all trees six (6) inches or larger in caliper (Caliper is girth of the tree at approximately waist height.);
- [4] Internal roads, sidewalks, and parking areas; and
- [5] Total site area in square footage and acres and area to be set aside as public open space, if appropriate;
- (b) The proposed site plan or plans, at an appropriate scale of at least one (1) inch equals forty (40) feet (1"=40'), or at a scale as approved in advance by the PRA, for the proposed MRMD or redevelopment prepared by a certified architect, landscape architect, professional land surveyor, and/or a civil engineer registered in the Commonwealth of Massachusetts;
- (c) Landscape plans prepared by a certified landscape architect registered in the Commonwealth of Massachusetts showing all proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract, with types, quantities, and sizes of proposed plantings;
- (d) Proposed floor plans for all of the proposed dwelling units. The area in square feet of each proposed dwelling unit should also be indicated in the floor plans;
- (e) A marketing plan showing:
 - [1] The proposed residential density in terms of dwelling units per acre;
 - [2] Types of proposed commercial uses, if any, in terms of floor area;
 - [3] Recreational areas; and
 - [4] A breakdown of the number of dwelling units based on the number of bedrooms within the proposed dwelling units;
- (f) Location sketch map(s), which indicates surrounding streets and properties and any additional abutting lands owned by the applicant;
- (g) Representative elevation sketches of buildings that indicate the height of building(s) and type of construction material of exterior facade; and
- (h) Other materials which may be submitted to the PRA include, but are not limited to, any other information which may include required traffic, school, utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project, including a grading plan, parking layout plan, utilities plan, and lighting plan.

(5) PRA procedures.

- (a) Circulation to other boards. Upon receipt of the proposed MRMD application, the PRA shall, within seven (7) days, provide a copy of the application material to the Town Council, Zoning Board of Appeals, Board of Health, Planning Board, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works and other municipal officers, agencies, or boards for comment, and any such board, agency or officer shall be invited to provide written comments within thirty (30) days of receipt of the review materials.
- (b) PRA review period. For each respective proposed MRMD, a specific PRA review period shall begin on the date of the proposed MRMD application and conclude on the day of the meeting during which the Town Council will vote on whether to grant a special permit to a proposed MRMD.
- (c) PRA meetings. No less than twenty (20) days prior to the meeting during which the Town Council will vote on a special permit for a proposed MRMD, the PRA may hold a public hearing for which notice has been given as provided in MGL c. 40A, § 11. Such meeting is intended to allow the PRA to openly discuss a proposed MRMD and for the person or entity proposing to construct the MRMD to answer questions or concerns from interested parties.
- (d) PRA recommendation. The PRA shall issue its recommendation to the SPGA prior to, or at, the meeting during which the SPGA will vote on whether to grant a special permit to a proposed MRMD. Failure of the PRA to make such a recommendation within ninety (90) days shall be deemed to be an approval of the proposed project.

§ 200-15. Sanitary Facility Districts. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]

The following uses are permitted in a Sanitary Facility District and other activities as outlined in the Table of Allowable Activity:¹¹⁹

- A. Sanitary landfill, refuse transfer station, resource recovery center, recycling center, dumping ground for refuse or any other works for treating or disposing of refuse, excluding incinerators. "Refuse" means all solid or liquid waste materials, including garbage and rubbish, but not including untreated sewage, liquid chemicals and special waste.
- B. Buildings and structures of one-story size, not more than twenty (20) feet high, fences, roadway for access and egress and drainage systems

¹¹⁹Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

used in connection with any of the uses permitted in Subsection A; and buildings and structures of one-story size, not more than twenty (20) feet high, for the housing, protecting, servicing and/or supplying of machinery or equipment therefor and administration facilities therefor.

- C. Such accessory uses as are customary in connection with the uses permitted in Subsections A and B above and are incidental thereto shall be in strict compliance with the Board of Health and state sanitary laws.
- D. Erecting or maintaining signs as permitted in Article IX of this chapter.
- E. Nonaccessory signs are permitted subject to a special permit by the Town Council. **[Added 10-25-2010 by Ord. No. 2010-037]**

§ 200-16. Watershed and Wetland Protection Overlay Districts.
[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]

- A. The purpose of this district is to:
 - (1) Protect, preserve and maintain the water table and water recharge areas within the Town of Randolph so as to preserve the present and potential water supplies for the public health and safety of the inhabitants of the Town of Randolph.
 - (2) Assure the continuation of the natural flow pattern of the watercourses' capacity to protect persons and provide against the hazards of floodwater within the Town in order to provide adequate and safe floodwater storage inundation.
 - (3) Provide that the lands in the Town of Randolph subject to seasonal and/or periodic flooding shall not be used for residential or other purposes in such a manner as to endanger the health and safety of the inhabitants thereof.
- B. In a Watershed and Wetlands Protection Overlay District, permitted uses shall be in accordance with the underlying zoning, subject to affirmative finding and approval of the Randolph Board of Appeals and the following restrictions:
 - (1) Each Watershed and Wetlands Protection Overlay District shall be subdivided into areas as follows:
 - (a) Area 1: all district land lying within the defined water and swampland area shown on the hereinbefore referenced topographic maps of the Town of Randolph and designated on said maps as "Area 1."
 - (b) Area 2: all district land lying outside the defined water and swampland area shown on the hereinbefore referenced topographic maps of the Town of Randolph and designated on said maps as "Area 2."
 - (2) District area restrictions.

- (a) Area 1: unsuitable for development of any type; not to be built upon, excavated or filled; may be used to satisfy applicable area requirements in accordance with the underlying zoning.
- (b) Area 2: development allowed in accordance with all the applicable laws and bylaws of the Town of Randolph governing use in accordance with the underlying zoning, with the following restrictions:
 - [1] Any and all structures approved for construction within this area and required by law to be serviced with sanitary facilities shall be connected to the Town sewer systems.
 - [2] No structure may be constructed or paving placed within fifty (50) feet of the water and swamp land designated as "Area 1" or within twenty-five (25) feet of the bank of any brook, stream or river within the area.
 - [3] The finished elevation of any basement floor of a structure approved for construction within this area shall be of a minimum of four (4) feet above the elevation of the closest approach to said structure of the water and swampland area delineated on the hereinbefore-referenced topographic maps of the Town of Randolph designated as "Area 1."
 - [4] All drainage must comply with the requirements of the Randolph Planning Board.
- (3) Permitted uses shall be as follows:
 - (a) Proper operation of and maintenance of dams and other water-control devices.
 - (b) Temporary alteration of water level for emergency or maintenance, upon written approval of the Town Engineer.
 - (c) Appropriate governmental use, including but not limited to water and sewage works, pumping stations and river and stream clearance, jointly approved by the Town Engineer and Water Department.
 - (d) Dams, excavations, relocation of waterways and creation of ponds and drainage improvements, consistent with the purpose of this chapter, upon written approval of the Town Engineer.
 - (e) The repair, rebuilding, modification or enlargement of all existing residential, commercial and industrial buildings, consistent with the laws of the Commonwealth of Massachusetts and in compliance with all other local bylaws, provided that such proposed work does not affect the natural flow pattern of any watercourse or groundwater supply.

- (f) Driveways and roads where alternative means of access are impractical, consistent with the purpose of this chapter.
- (4) Administration.
 - (a) Upon written application, the Building Commissioner shall determine, by any means at the Building Commissioner's disposal, whether the parcel identified in the application and shown on any accompanying plot plan lies within Area 1 and/or Area 2 of a Watershed and Wetlands Protection Overlay District. In order to expedite this determination, the Building Commissioner shall, at the Building Commissioner's request, be provided by the applicant with a complete overall topographic plan of the area proposed for use, prepared by a registered professional engineer or registered land surveyor, showing contour elevations at two-foot intervals, referred to United States Geological Survey datum. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
 - (b) This topographic drawing shall show all pertinent information, including existing brooks, streams, rivers and areas of ponding, the extent and depth of proposed excavation and/or filling limits of other proposed construction and/or appurtenant work.
 - (c) A determination by the Building Commissioner that the parcel identified in the application lies within Area 1 and/or Area 2 of a Watershed and Wetlands Protection Overlay District shall require the Building Commissioner's immediate referral to the Randolph Planning Board for recommendation for a finding consistent with the intent of this chapter. The Planning Board will require copies of all information submitted to the Building Commissioner for its consideration of the application. Any owner of land in Area 1 and/or Area 2 who is aggrieved by a decision of the Building Commissioner and/or Planning Board may appeal to the Board of Appeals. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- (5) Special flood hazard areas. The Federal Emergency Management Agency has issued revised Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study Booklet (FIS) for the Town of Randolph, which identifies the special flood hazard areas within the Town. The revision date of the FIRM Maps and FIS Booklet is July 17, 2012. All proposed new construction, substantial additions/improvements and utilities within the one-hundred-year floodplain must comply with the revised FIRM Maps, FIS Booklet, and the provisions in Subsection B(6) of this section. **[Amended 5-10-2000 ATM by Art. 9, approved 9-27-2000; 6-11-2012 by Ord. No. 2012-017]**
- (6) Special flood hazard areas. Areas are as created by the National Flood Insurance Program (NFIP) and the Federal Emergency

Management Agency (FEMA) on their most current maps adopted by the Town of Randolph [see Subsection B(5)], in conjunction with the State Flood Hazard Management Program of the Department of Environment's Management Office of Water Resources, the State Building Code, Wetlands Overlay Protection Act, State Sanitary Code and the Town of Randolph Watershed and Wetlands Protection Overlay District Zoning Code, and any other applicable zoning codes and/or bylaws. **[Added 4-24-2001 ATM by Art. 21, approved 12-21-2001; 6-11-2012 by Ord. No. 2012-017]**

(a) Statement of floodplain area purposes:

- [1] Ensure public safety through reducing the threats to life and personal injury.
- [2] Eliminate new hazards to emergency response officials.
- [3] Prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding.
- [4] Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- [5] Eliminate costs associated with the response and cleanup of flooding conditions.
- [6] Reduce damage to public and private property resulting from flooding waters.

(b) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

AREA OF SPECIAL FLOOD HAZARD — Land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT — Floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study

program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP — An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the one-hundred-year and five-hundred-year floods and the one-hundred-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

NEW CONSTRUCTION — For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the

purpose of determining insurance rates, "new construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD — See "base flood."

REGULATORY FLOODWAY — See "floodway."

SPECIAL FLOOD HAZARD AREA — An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, or VE.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A — The one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE — For new and revised maps, the one-hundred-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO — The one-hundred-year floodplain with flood depths of one (1) foot to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 — Areas to be protected from the one-hundred-year flood by federal flood protection systems under construction. Base flood elevations have not been determined.

ZONES B, C, AND X — Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

- (c) Floodplain area boundaries. The floodplain area is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Randolph designated on the Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The FIRM maps indicate the one-hundred-year regulatory floodplain. The exact boundaries of the areas may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the most current Flood Insurance Study Booklet. The FIRM and Flood Insurance Study Booklet are incorporated into this Subsection B(6) and are on file with the Planning Board and the Department of Public Works, Engineering Division.
- (d) Base flood elevation and floodway data.
 - [1] Floodway data. In Zones A, A1-30 and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in the floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - [2] Base flood elevation data. Base flood elevation data are required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is less, within unnumbered A Zones.
- (e) Notification of watercourse alteration. In a riverine situation, the Floodplain Manager for the Town of Randolph shall notify the following of any alteration or relocation of a watercourse:
 - [1] Adjacent communities.
 - [2] NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.

- [3] NFIP Program Specialist, FEMA (Federal Emergency Management Agency) Region 1.

(f) Use regulations.

- [1] The Floodplain Area is established as an overlay area to all zoning districts. All development in the area, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, as amended, and with the following:
 - [a] Sections of the Massachusetts State Building Code (780 CMR) which address floodplain areas and coastal high-hazard areas.
 - [b] Wetlands Protection Regulations, Department of Environmental Protection.
 - [c] Inland Wetlands Restrictions, Department of Environmental Protection (310 CMR 13.00).
 - [d] Minimum Requirement for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).
- [2] Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of those state regulations.
- [3] No variance to the floodplain areas may be granted by the Town of Randolph Zoning Board of Appeals.

(g) Other use regulations.

- [1] Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures are required.
- [2] In Zones A1-30 and AE along watercourses that have a regulatory floodway designated on the Town of Randolph FIRM or Flood Boundary and Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of base flood discharge.
- [3] All subdivision proposals must assure that:
 - [a] Such proposals minimize flood damage.
 - [b] All public utilities and facilities are located and constructed to minimize or eliminate flood damage.

- [c] Adequate drainage is provided to reduce exposure to flood hazards.
 - [4] Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
 - [5] For development within the special flood hazard areas, a copy of the development or site plan shall be transmitted to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Commissioner for comments prior to issuing applicable permits or approvals.
- (h) Permitted uses. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:
- [1] Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 - [2] Forestry and nursery uses.
 - [3] Outdoor recreational uses, including fishing, boating, play area, etc.
 - [4] Conservation of water, plants and wildlife.
 - [5] Wildlife management areas; foot, bicycle, and/or horse paths.
 - [6] Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
 - [7] Buildings lawfully existing prior to the adoption of these provisions.
- (i) Public health. The Board of Health and Department of Public Works, in reviewing all proposed water and sewer facilities to be located in the floodplain areas, shall require that:
- [1] New and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - [2] New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

- C. Institutional Open Space Districts. The following uses are permitted in an Institutional Open Space District: houses of worship, schools, parish houses, convents, cemeteries, rectories and accessory uses on the same lot with and customarily incidental to any of the above permitted uses.

§ 200-16.1. Great Pond Commerce Center Overlay District.

- A. Purpose of district. The purpose of the Great Pond Commerce Center Overlay District is to promote the general welfare of the community by assuring the economic viability and vitality of the former Pacella Industrial Park area while minimizing potential adverse impacts upon nearby neighborhoods and other premises. This purpose is to be achieved through the establishment of controls specifically for expanded business or industrial uses at locations where either such uses already exist or they would be appropriate because of access and other geographical considerations.
- B. Scope of authority. The Great Pond Commerce Center Overlay District shall be a superimposed district and not replace the underlying zoning district(s). The regulations of this overlay district shall govern all new construction as well as reconstruction or expansion of new or existing buildings, and shall also govern new or expanded uses, regardless of the nature of such uses, and regardless of whether the requirements of this § 200-16.1 are more or less restrictive than those of the comparable regulations for the underlying district at that location. The provisions of this § 200-16.1 shall supersede those of §§ 200-18 to 200-22, inclusive, §§ 200-28 to 200-30, inclusive, and §§ 200-34 and 200-35, inclusive. On all other matters, the provisions of the underlying district(s) shall continue to govern.
- C. Allowed uses. Permitted uses in the Great Pond Commerce Center Overlay District are as specified in the Table of Allowable Activity, the content of which is incorporated herein by reference.¹²⁰
- D. Special permit uses. All uses permitted by special permit in the underlying district at a given location may be allowed in the overlay district upon the issuance of a special permit by the applicable special permit granting authority under such conditions as that authority may require.
- E. Multiple buildings and uses. Notwithstanding the provisions of § 200-3, more than one (1) building and/or use on a lot is allowed in the Great Pond Commerce Center Overlay District as a matter of right, so long as each building and/or use is in compliance with the requirements of this § 200-16.1.
- F. Dimensional and area requirements.

¹²⁰Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

- (1) Minimum lot size. In the Great Pond Commerce Center Overlay District, no building shall be constructed on any lot containing less than sixty thousand (60,000) square feet of land.
- (2) Minimum lot frontage. In the Great Pond Commerce Center Overlay District, no building shall be constructed on any lot containing less than one hundred twenty (120) feet of frontage on a public way.
- (3) Building setback requirements.
 - (a) In the Great Pond Commerce Center Overlay District, no building shall be constructed so as to be nearer to the line of any street than the required setback distance or nearer to the side lines of the lot on which it is located than the required side yard width or nearer to the rear line of the lot on which it is located than the required rear yard depth specified in the following table:
 - [1] Required setback distance: twenty (20) feet from the side line of Pond Street; ten (10) feet from the side line of any other street.
 - [2] Required side yard width: five (5) feet; forty (40) feet if side yard abuts a residential district within the Town of Randolph or a building located within the Town of Randolph and used primarily for residential purposes.
 - [3] Required rear yard depth: ten (10) feet; forty (40) feet if rear yard abuts a residential district within the Town of Randolph or a building located within the Town of Randolph and used primarily for residential purposes.
 - (b) Notwithstanding any other provision hereof, all newly constructed buildings or expanded buildings within the Great Pond Commerce Center Overlay District shall be developed in such a way as to provide unimpeded access on all sides or faces thereof for fire and other emergency vehicles.
- (4) Building height requirements. Buildings in the Great Pond Commerce Center Overlay District which are located on lots not directly abutting any portion of a residentially zoned premises within the Town of Randolph may contain a maximum of six (6) stories and shall not exceed seventy-eight (78) feet in height. Buildings which are located on lots which directly abut any portion of a residentially zoned premises within the Town of Randolph may contain two (2) stories and shall not exceed twenty-five (25) feet in height. All height measurements shall be made in the fashion set forth in the State Building Code, 780 CMR. **[Amended 5-21-2012 by Ord. No. 2012-001]**

- (5) Lot coverage. In the Great Pond Commerce Center Overlay District, no lot shall be developed such that the buildings thereon and other impervious surfaces added thereto cover more than seventy-five percent (75%) of the overall lot area. Of this amount, no more than fifty percent (50%) may be devoted to a building or buildings and no more than twenty-five percent (25%) to impervious surface(s).
- (6) Buffer strips. A minimum five-foot-wide buffer strip shall be maintained along the entire frontage of all lots within the Great Pond Commerce Center Overlay District, excepting only those portions of the lot frontage which must be paved for normal vehicular access. Said buffer shall be maintained as a planting area and shall be landscaped with grass, trees, shrubs and/or other natural materials. A minimum forty-foot-wide buffer strip shall be maintained along the entire side and rear boundary lines of all lots within the Great Pond Commerce Center Overlay District where the side or rear yard of the lot in question abuts a residential district within the Town of Randolph or a building located within the Town of Randolph which is used for residential purposes. Otherwise, no buffer requirement shall apply in the side and/or rear yard areas.
- (7) Parking space requirements. Notwithstanding anything in the Zoning Code to the contrary, in the Great Pond Commerce Center Overlay District, the off-street parking requirements shall be the following:
 - (a) For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions or any form of educational institution, one (1) parking space for each two hundred fifty (250) square feet of gross floor area. For purposes hereof, "gross floor area" means the aggregate total floor area of all levels contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.
 - [1] Uses not listed in the preceding subsection shall meet the parking space requirements of § 200-22 of this chapter.
 - [2] Parking of motor vehicles shall be permitted either on grade, below grade within the basements of buildings or above grade on so-called "parking shelves" constructed for such purpose. Adequate means of ventilation shall be provided for any parking area located below grade.
 - (b) The net area for each individual parking space required for premises in the Great Pond Commerce Center Overlay District shall be no less than one hundred sixty-two (162) square feet. Each such parking space shall have a length of not less than eighteen (18) feet and a width of not less than nine (9) feet.

This provision shall not apply to handicapped parking spaces, the overall size, dimensions and number of which shall be consistent with applicable local, state or federal requirements for same.

- (c) The off-street parking spaces required for premises within the Great Pond Commerce Center Overlay District may be provided either on the same lot or premises with the parking generator or on any lot or premises, whether or not otherwise associated therewith, a substantial portion of which at least is within five hundred (500) feet of the generator. All required handicapped parking spaces must be located on the same lot or premises as the parking generator.
- (d) Off-street parking facilities and connecting drives between such facilities and the street shall be designed so as to ensure the safety and convenience of persons traveling within or through the parking area and between the parking facility and the street.
- (e) In addition to the requirement for automobile parking spaces, there shall also be provided for each building or group of buildings sufficient off-street loading space to ensure that all loading operations take place off the public way. Loading spaces and access drives leading to loading spaces shall be so designed that vehicles to be loaded or unloaded are not required to maneuver in the public way to enter or leave the designated loading area and so as to minimize the impact of any loading operations on any abutting residential premises.
- (f) Lamps or lights which may be installed to illuminate any parking spaces or parking area within the Great Pond Commerce Center Overlay District shall be configured so that the fallout from said lamps or lights shall not impact abutting residential premises.

§ 200-16.2. Expedited permitting. [Added 12-3-2007 STM by Art. 7, approved 4-14-2008]

[Note: MGL c. 43D, §§ 1 through 16, is accepted by the Town as described in § 200-16.2; provided, however, that the vote shall take effect only as to those sites as the interagency permitting board described in MGL c. 23A, § 62, or the equivalent agency, approves the designation thereof as a priority development site pursuant to the procedures set forth in MGL c. 43D, §§ 1 through 16. (The Board of Selectmen is authorized to apply for priority site development designation pursuant to this vote and for such grants and technical assistance as may be available.)]

- A. In the Great Pond Commerce Center Overlay District, East Randolph Industrial Park on Teed Drive and the York Industrial Park on York Avenue, a proposal for the development or redevelopment of a building with at least fifty thousand (50,000) square feet of gross floor area in new or existing buildings or structures on a site which has been

designated as a priority development site by the interagency permitting board described in MGL c. 23A, § 62, may be permitted pursuant to the procedures set forth in the Expedited Permitting Statute, MGL c. 43D, §§ 1 through 16.

- B. Within one hundred twenty (120) days of the acceptance of the Expedited Permitting Statute by vote of Town Meeting, the Board of Selectmen shall implement the following:
- (1) Appoint a single point of contact to serve as the primary municipal liaison for all issues relating to the Expedited Permitting Statute;
 - (2) Amend rules and regulations on permit issuance to conform to the Expedited Permitting Statute;
 - (3) Along with the issuing authorities as defined in MGL c. 43D, § 2, collect and ensure the availability of all governing statutes, local bylaws, regulations, procedures and protocols pertaining to each permit;
 - (4) Establish a procedure whereby the Board of Selectmen shall determine all permits, reviews and predevelopment reviews required for a project; all required scoping sessions, public comment periods and public hearings; and all additional specific applications and supplemental information required for review, including, where applicable, the identification of potential conflicts of jurisdiction or substantive standards with abutting municipalities and a procedure for notifying the applicant; and
 - (5) Establish a procedure, following the notification of the required submissions for review as set forth in Subsection B(4), for determining if all the materials required for the review of the project have been completed.

ARTICLE IV

Off-Street Parking Regulations

**[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996;
4-20-1999 ATM by Art. 7, approved 8-23-1999; 5-14-2001 ATM by
Art. 28, approved 12-21-2001; 11-18-2002 ATM by Art. 2, approved
1-21-2003; 5-25-2005 ATM by Art. 5, approved 10-18-2005;
5-22-2006 ATM by Art. 50, approved 10-17-2006; 12-19-2011 by
Ord. No. 2011-009; 10-15-2012 by Ord. No. 2012-022]**

§ 200-17. Applicability.

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces as hereinafter required are provided. No application for a permit for the erection of a new structure or for the development of a land use shall be approved unless it includes a plan for off-street parking facilities to be maintained thereafter in accordance with the requirements of this article, except that such parking spaces are not required for any structure or use existing at the time of enactment of this article; provided, however, that parking spaces as specified in this article shall be provided for any enlargement or alteration to any such existing structure or use; provided, further, that the increase is greater than fifteen percent (15%).

§ 200-18. Location.

The off-street parking spaces required by this article shall be on the same lot as the structure or use they are intended to serve. Where such off-street parking spaces cannot reasonably be provided on the same lot as the principal use, parking may be located on other property.

- A. The Planning Board may grant exceptions to allow provision of the required spaces on a separate lot or lots within a radius of six hundred (600) feet, measured from the lot line of the principal use.
 - (1) An applicant must demonstrate that the required spaces on a separate lot or lots within the district are located within a reasonable walking distance from the entrance to the establishment to be serviced.
 - (2) Clear, pedestrian passage must be available with no crossing of an arterial street except at a signalized intersection along the pedestrian pathway.
- B. In the CSBD, parking shall be located in the rear of the lot.

§ 200-19. Dimensions.

- A. The gross area devoted to parking spaces and aisles or driveways shall be no less than three hundred (300) square feet for each vehicle.

- B. The net area for each individual parking space shall be no less than one hundred sixty-two (162) square feet, having minimum dimensions of nine (9) feet by eighteen (18) feet.
- C. A driveway may be considered a parking space for a one-family dwelling.

§ 200-20. Street access.

Each parking space shall have a vehicular access to a street. Driveways, aisles and spaces in all districts except residential single-family or two-family shall be so arranged that vehicles will leave and enter the street with a forward motion.

§ 200-21. Construction requirements.

Every parcel of land which, after the effective date of this chapter, is changed to a parking area for more than five (5) vehicles, or to a drive-in business or motor vehicles sales or service establishment, shall be developed as follows, subject to the approval of the plans as defined in Article XI, Site Plan and Design Review, of this chapter.

- A. Such area, where subject to wheeled traffic, shall be smoothly graded, properly drained and treated with bituminous or other all-weather hard surface and shall have appropriate bumper or wheel guards where needed.
- B. Where such area abuts a residential district, it shall not be located within ten (10) feet of the lot line in a Business District or Business Professional District or within fifty (50) feet of the lot line in an Industrial District; and, when required by the site plan administrator, in all districts it shall have a wall or fence of solid appearance or tight evergreen hedge having a height of no less than five (5) feet, which shall be erected and maintained between such area and the property in the residential district.
- C. Any light used to illuminate said parking areas shall be so arranged as to reflect light away from adjoining premises and streets.
- D. The surfaced area of all parking areas and parking spaces shall be set back a minimum of five (5) feet from all street lines except when an access drive crosses the street layout. Such setback area shall be landscaped and maintained.
- E. Tiered parking. Nothing in this section shall prohibit the construction of parking shelves or garages where it is deemed beneficial to the community. All setbacks, height, and other requirements shall be that of the underlying zoning district; provided that parking garages, parking decks or any other parking structures and the parking of any motor vehicles shall be limited to parking at a maximum of two (2) tiers above grade.

F. Parking lot design.

- (1) In addition to the provisions above, new and renovated off-street parking areas shall be constructed in accordance with the guidelines as defined in Article XI, Site Plan and Design Review, § 200-94B(2)(f).
- (2) Paving, alteration or installation of parking lots, driveways, or similar shall require a permit by the Building Commissioner in all districts.

§ 200-22. Required number of spaces.

Off-street parking spaces shall be provided in accordance with the following minimum requirements:

A. Residential.

- (1) Single-family: two (2) spaces for each dwelling unit.
- (2) Multifamily: two (2) spaces for each dwelling unit.
- (3) Two-family: two (2) spaces for each dwelling unit.

B. Commercial/Business: one (1) space for each two hundred (200) square feet of gross floor area on the first floor of a building and one (1) space for each four hundred (400) square feet of gross floor area thereafter for all floors used for business purposes, excluding storage area.

C. Warehouse/Industrial: one (1) space for each two (2) employees, plus space for every company-owned and -operated vehicle, plus spaces for customers' vehicles as determined appropriate by the Building Commissioner or Site Plan Administrator.

D. Eating/Drinking establishments: one (1) space for each two (2) seats provided for patron use.

E. Assembly/Meeting halls/theaters: one (1) space for each five (5) seats or for each one hundred (100) square feet of auditorium area (if there are no fixed seats).

F. Hotel/Motel: one (1) space per room/dwelling unit.

G. Mixed uses: Where a building has a mixture of uses for which off-street parking is required, the number of spaces will be the sum of the requirements of the various individual uses.

H. Other: Reasonable off-street parking requirements for uses not listed in this section shall be determined by the Site Plan Administrator.

§ 200-23. Occupancy permits.

No certificate of occupancy shall be issued unless the required parking facilities shall have been provided in accordance with those designated and approved on the approved plan.

ARTICLE V
Nonconforming Uses

§ 200-24. Continuation; modifications.

- A. Any building or use of a building or use of land or part thereof lawful at the time this chapter is adopted (1939) may be continued, unless and until abandoned, although such building or use does not conform to the provisions hereof. No extension of the nonconforming use of a building, including adding to, enlarging, reconstructing or replacing, shall be allowed unless such addition, enlargement, reconstruction or replacement is used for the purpose or for a purpose substantially similar to the purpose for which the original building may be lawfully used and unless authorized by the Board of Appeals and subject to appropriate conditions, limitations or safeguards stated in writing by said Board and made a part of the permit. As a basis for such permit, the Board must be satisfied only that such addition, enlargement, reconstruction or replacement, and the use to be made thereof, will not substantially increase any detrimental or injurious effect of the building or use on the neighborhood.
- B. (Reserved)
- C. A nonconforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot, provided that doing so renders the structure less nonconforming than previously, and used as before, provided that such repair, reconstruction or restoration shall be completed within two (2) years of said accidental damage or destruction. **[Added 4-24-2001 ATM by Art. 24, approved 12-21-2001]**
- D. Any such structure that is being used as a single-family dwelling or a two-family dwelling may be increased in size or otherwise altered without a special permit or other ruling from the Board of Appeals, provided the Building Commissioner determines, prior to the issuance of a building permit for such addition or alteration, that the addition or alteration will not intensify any existing nonconformities. **[Added 4-24-2001 ATM by Art. 30, approved 7-24-2001]**

§ 200-25. Effect on building or special permits.

Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 200-26. Abandonment.

Whenever a nonconforming use has ceased to be occupied, used, pursued or otherwise engaged in for a period of two (2) years, the same shall be deemed abandoned, and thereafter use of the premises shall be deemed restricted to the use designated on the Zoning Map of the Town for that area.

ARTICLE VI
Area Regulations

§ 200-27. Minimum lot area. [Amended 4-24-2001 ATM by Art. 26, approved 12-21-2001]

In a residential district or zone no dwelling shall be erected, altered or used except on lots as specified below:

A. For single-family dwellings:

- (1) In a High Density District (RH), each lot must have, as a minimum, twelve thousand (12,000) square feet, with a frontage of not less than one hundred (100) feet and a depth of not less than one hundred (100) feet and a width of not less than seventy-five (75) feet.
- (2) In a Moderate Density District (RM), each lot must have, as a minimum, sixteen thousand (16,000) square feet, with a frontage of not less than one hundred twenty (120) feet and a depth and width of not less than eighty-five (85) feet.

B. Parcels located in a Moderate Density District (RM) are:

Map 01-A-01 and 02	(M.D.C.) Off Canton/High Streets	1.148 acre cal.
Map 01-B-01	(Private owned in M.D.C.) Off High Street	4.33 acres cal.
Map 19-A-01, 02, 03, 04, 05, 06, 07, 08	(Stackpole Avenue)	
Map 19-B-01	(Stackpole Avenue)	= over 10 acres
Map 19-C-01, 02, 03, 04, 05, 06	(Stackpole Avenue)	
Map 30-A-01	Off North Main Street	54.719 acres
Map 37-A-02	Off Liberty Street	3.42 acres
Map 39-A-34	Off North Main Street	15.33 acres
Map 39-A-57	Adjacent to above parcel	6.3 acres cal.
Map 58-A-01	Bear Swamp rear of Mazzeo Drive	21.5 acres
Map 58-A-04	Bear Swamp rear of Mazzeo Drive	14. acres
Map 59-A-01	Bear Swamp rear of T. Patton Drive	32.88 acres
Map 65-A-16	Off South Main Street	3.6 acres cal.
Map 65-A-39	Adjacent to above parcel	15.6 acres

Map 65-A-42	Adjacent to above parcel	4.42 acres
Map 66-D-29	End of Richard Road	3.646 acres

- C. For two-family dwellings, whether new or by conversion of an existing one-family dwelling, each lot must have, as a minimum, twenty thousand (20,000) square feet, consisting of a frontage of not less than one hundred thirty (130) feet and a depth and a width of not less than one hundred (100) feet. Two-family dwellings must be first approved by the Planning Board by special permit as required by Article VIII of this chapter.
- D. In all districts, frontage may be measured at the front yard setback line if the street is an arc of a curve with a radius of one hundred (100) feet or less, provided that in any event there shall be not less than seventy-five percent (75%) of the required frontage at the street line. Notwithstanding the above provision, where the literal enforcement of this subsection would substantially diminish the value of the land, due to the shallowness or other irregularity of the lot boundaries or the curved or other peculiarity of the street location or other valid reason, the owner thereof may apply to the Board of Appeals for relief, and said Board shall grant, upon equitable terms and conditions, such relief as will carry out the intent of this chapter, but in no event to reduce the frontage to less than eighty-five (85) feet or reduce the minimum lot area for single-family dwellings below seven thousand five hundred (7,500) square feet or two-family dwellings below fifteen thousand (15,000) square feet.
- E. A child-care facility shall be permitted only on: **[Added 4-20-1999 ATM by Art. 7, approved 8-23-1999]**
- (1) A lot which, with all its structures, conforms to the requirements of this chapter; or
 - (2) A lawfully nonconforming lot or structure as to which the area of the lot is not less than ten thousand (10,000) square feet.
- F. In an Institutional Open Space (IOS) District, each lot must have a minimum lot area of twenty thousand (20,000) square feet, with a frontage of not less than one hundred (100) feet, a depth of not less than one hundred (100) feet and a width of not less than one hundred (100) feet. **[Added 4-25-2005 ATM by Art. 9, approved 11-18-2005]**
- G. See Table of Dimensional Requirements.¹²¹ **[Added 12-16-2013 by Ord. No. 2013-043]**

§ 200-28. Front yards.

- A. Residential districts.

¹²¹Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

- (1) In a residential district, no building shall be erected within twenty-five (25) feet of the side line of any street, except as follows:
 - (a) No building shall be erected within forty-five (45) feet of the center line of any street which is less than forty (40) feet in width.
 - (b) No building shall be erected within forty (40) feet of the side lines of South Main Street or of the side lines of that part of North Main Street south of the Pond Street business area.
 - (2) No building in a residential district need be set back more than the average setback of the residence buildings on the abutting lots. A vacant lot, a lot occupied by a nonconforming use or a building set back more than the required distance shall be counted as though occupied by a building set back at the prescribed distance for the purpose of determining said average.
 - (3) No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than the minimum requirements of this section.
- B. In Business Districts, Business Professional Districts, North Randolph Business District, West Corners Business District, Blue Hill River Highway District and Great Bear Swamp Highway District, no building shall be erected within fifteen (15) feet of the side line of any street, except in that part of the east and west sides of North Main Street from Crawford Square northerly within the Crawford Square Business District, where no front yards shall be allowed. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than the minimum requirements of this section. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- C. In Industrial Districts, no building shall be erected within fifty (50) feet of the side lines of any street. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than the minimum requirements of this section.
- D. In multifamily districts or zones, no building shall be erected or accessory use permitted except for walkways and driveways allowed within forty (40) feet of the side lines of any street. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than the minimum requirements of this section.
- E. In Multifamily 55 Plus Districts or zones, no building shall be erected or accessory use permitted except for walkways and driveways allowed within forty (40) feet of the side lines of any street.

- F. In an Institutional Open Space (IOS) District, no building shall be constructed within twenty-five (25) feet of the side lines of any street. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to the street than such minimum setback requirements. **[Amended 11-18-2002 ATM by Art. 2, approved 1-21-2003; 4-25-2005 ATM by Art. 9, approved 10-18-2005]**
- G. See Table of Dimensional Requirements.¹²² **[Added 12-16-2013 by Ord. No. 2013-043]**
- H. In the Orchard Street Business District (OSBD), "front yard" and "from street" shall refer to North Main Street. **[Added 7-28-2014 by Ord. No. 2014-014]**

§ 200-29. Side yards.

- A. In a residential district, no building, except a fireproof one-story building of accessory use, shall be erected within fifteen (15) feet of a side lot line for single-family dwellings or within twenty (20) feet of a side lot line for two-family dwellings, unless more than forty (40) feet from the side line of any street.
- B. In a Business District, Business Professional District, Crawford Square Business District, Industrial District, North Randolph Business District, West Corners Business District, Great Bear Swamp Highway District or Blue Hill River Highway District, no building shall be erected within the buffer zone specified in § 200-33, nor within six (6) feet of a side lot line unless the wall adjoining such lot line shall be either a party wall or a wall with its outer face coincident with said lot line. **[Amended 5-25-2005 ATM by Art. 5, approved 10-18-2005; 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- C. In Multifamily Districts and Multifamily 55 Plus Districts or zones, no building shall be erected or accessory use allowed within forty (40) feet of a side lot line, except that not more than two (2) walkways and/or driveways may cross this forty-foot buffer strip. **[Amended 11-18-2002 ATM by Art. 2, approved 1-21-2003]**
- D. On a lot containing the proposed child-care facility use, no outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for the principal use in the district in which it is located.
- E. In an Institutional Open Space (IOS) District, no building shall be constructed or accessory use allowed within fifteen (15) feet of a side lot line. No outdoor play area (an area designed or set aside for children in a child-care facility for recreation or play) shall be located closer

122Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

to a side lot line than such minimum setback requirements. **[Added 4-25-2005 ATM by Art. 9, approved 10-18-2005]**

- F. See Table of Dimensional Requirements.¹²³ **[Added 12-16-2013 by Ord. No. 2013-043]**

§ 200-30. Rear yards. [Amended 11-18-2002 ATM by Art. 2, approved 1-21-2003]

- A. In all districts, no building shall be erected within fifteen (15) feet of any rear lot line unless said building shall be of fireproof construction and the wall adjoining said rear lot line shall be either a party wall or wall with its outer face coincident with said rear lot line, except that said construction is prohibited in a buffer zone as specified in § 200-33.
- B. In Multifamily Districts and in Multifamily 55 Plus Districts or zones, no building shall be erected or accessory use allowed within forty (40) feet of a rear lot line, except that not more than two (2) walkways and/or driveways may cross this forty-foot buffer strip.
- C. See Table of Dimensional Requirements.¹²⁴ **[Added 12-16-2013 by Ord. No. 2013-043]**
- D. In the Orchard Street Business District (OSBD), "rear yard" shall refer to Orchard Street and Vesey Road. **[Added 7-28-2014 by Ord. No. 2014-014]**

§ 200-31. Projections.

Nothing herein shall prevent the projection of steps, eaves, chimneys, cornices or windowsills into any required yard or open space.

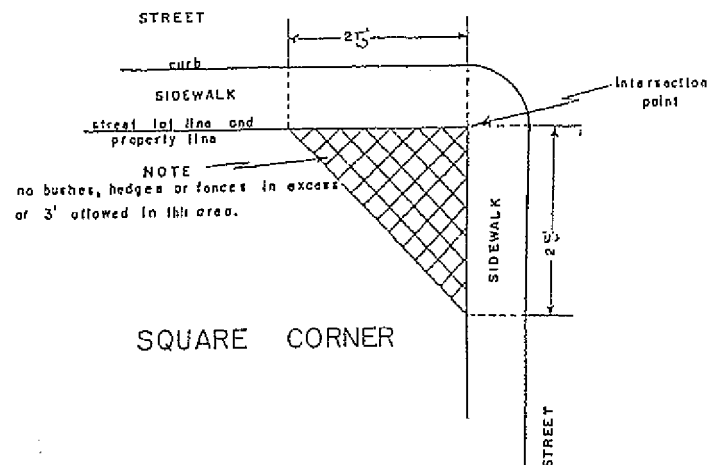
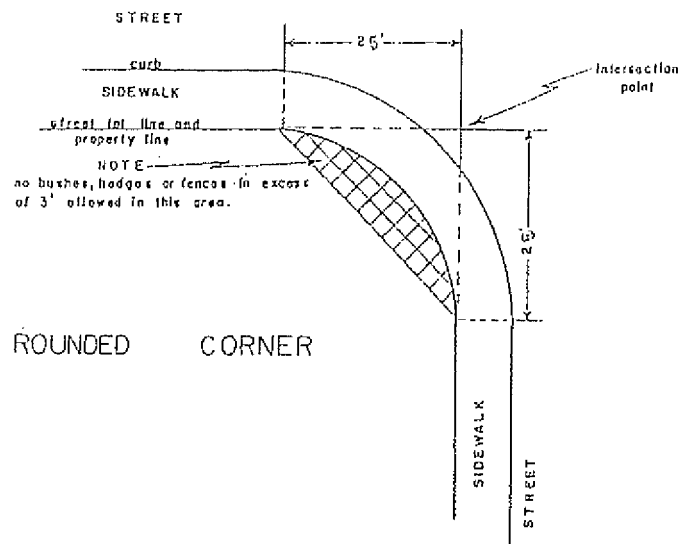
§ 200-32. Corner setback for fences and other landscaping. [Amended 10-15-2012 by Ord. No. 2012-021]

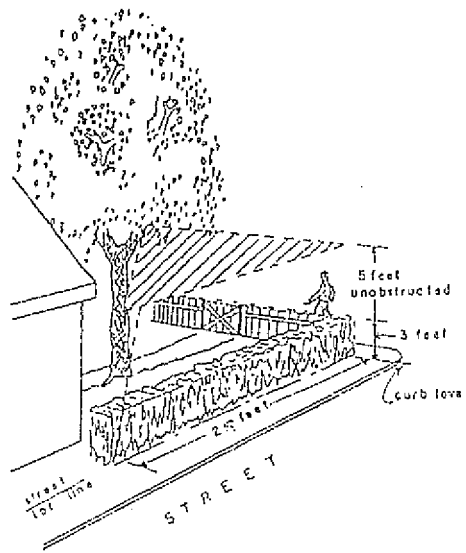
- A. Corner lots and intersecting streets. No building or structure in any district may be erected and no fence or vegetation, except tree trunks, may be maintained or allowed to remain between three (3) feet and eight (8) feet above the plane through their center-line grades between the property lines of intersecting streets and a line joining points on such lines twenty-five (25) feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents.

¹²³Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

¹²⁴Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

Diagram for Corner Lots and Intersecting Streets





- B. Driveways and sidewalks or other pavement. No fence or vegetation, except tree trunks, shall be located within a site triangle so as to obstruct visibility between three (3) feet and eight (8) feet above the plane through their curb grades. The site triangle is that area of the intersection of street rights-of-way or pavement with other streets, driveways or walkways, formed by the side lines of street rights-of-way or pavement, driveways or walkways and a line joining points on such lines ten (10) feet distant from their point of intersection.

§ 200-33. Buffer strips. [Amended 4-25-2005 ATM by Arts. 5 and 9, approved 10-18-2005; 5-22-2006 ATM by Arts. 46 and 50, approved 10-17-2006; 10-25-2010 by Ord. No. 2010-038; 12-19-2011 by Ord. No. 2011-009]

- A. Business Districts, Crawford Square Business District, Business Professional Districts, North Randolph Business District, West Corners Business District, Blue Hill River Highway District or Great Bear Swamp Highway District.
- (1) In a zoned Business District where the lot abuts or is within ten (10) feet of the side or rear boundary line of any residential district (including any residential districts in an adjacent municipality) or multifamily district, there shall be provided on all portions of said lot within ten (10) feet of said boundary line a buffer strip, as follows: the portion of such buffer for and maintained as a planting area for lawns, trees, shrubs and other landscape materials to provide a parklike area of separation between districts.
 - (2) In this buffer zone, walkways, sewer systems and wells may be constructed and maintained.

- (3) No building, structure or paved space associated with parking may be located in the buffer strip.
 - (4) Plantings in the buffer strip shall be maintained by the owner of the property used for nonresidential purposes.
- B. Industrial Districts abutting residential districts or multifamily districts.
 - (1) In an Industrial District where the lot abuts or is within forty (40) feet of the side or rear boundary line of any residential district (including any residential districts in any adjacent municipality) or multifamily district, there shall be provided on all portions of said lot within forty (40) feet of said boundary line a buffer strip, as follows: the portion of such buffer for and maintained as a planting area for lawns, trees, shrubs and other landscape materials to provide a parklike area of separation between districts.
 - (2) In this buffer zone, no building, structure or pavement of any nature, excluding nonaccessory signs, may be constructed or maintained.
 - (3) No building, structure or paved space associated with parking may be located in the buffer strip.
 - (4) Plantings in the buffer strip shall be maintained by the owner of the property used for nonresidential purposes.
- C. Sanitary Facility District. In a Sanitary Facility District where the lot abuts the side or rear boundary line of land owned by others in a residential district, as herein defined, there shall be provided on all portions of said lot which abut said residential district a buffer strip fifty (50) feet in depth from said residential district. Such a buffer strip shall be a planting area for trees, shrubs and other landscape materials, to provide a separation between the residential district and the Sanitary Facility District. No building or structure of any nature, except for fences, and drainage systems, and nonaccessory signs, shall be constructed or maintained in the buffer strip, which area should be fenced as developed until the total area is enclosed. The above restrictions shall not apply to nonaccessory signs.
- D. Child-care facility. In all districts, the open space between the defined outdoor play area or structure and the property lines adjacent to residential uses shall be screened with either fence, wall, hedge, or landscaping to provide a dense year round screen.
- E. In an Institutional Open Space (IOS) District where the lot abuts or is within ten (10) feet of the front, side or rear boundary line of any residential district (including any residential districts in an adjacent municipality) or multifamily district, there shall be provided on all portions of said lot within ten (10) feet of said boundary line a buffer strip, which shall be maintained as a planting area for lawns, trees, shrubs, and other landscaping materials to provide a parklike area of

separation between districts. No building, structure or pavement of any nature may be constructed or maintained in this buffer zone except for approved driveways and walkways.

- F. Residential districts. In a zoned residential district, no building, structure or pavement of any nature may be constructed or maintained in a buffer zone except to provide a driveway and/or walkway no wider than twenty-four (24) feet to allow ingress to and egress from the lot.
- G. Buffers shall conform to the Table of Dimensional Requirements included as an attachment to this chapter for each district and districts abutting same districts. Nothing in this section shall allow one (1) district or lot to use an adjoining district or lot to meet its buffer requirement.

§ 200-34. Lot coverage.

A. Building lot coverage.

- (1) In all districts, no building shall be constructed so as to cover, together with other buildings on the lot, a larger portion of the lot area than the permitted building lot coverage as specified in the Table of Dimensional Requirements¹²⁵ for the district in which said lot is located.
- (2) Building lot coverage is the total area covered, measured from the outside of the exterior walls, by all principal and accessory buildings on a lot.
- (3) In all districts, the following shall not be counted as lot coverage:
 - (a) Lawns, gardens and unpaved landscaped areas;
 - (b) Drainageways;
 - (c) Open play structure without roofs, sand boxes, or swings, not located on a paved surface;
 - (d) Fountains;
 - (e) Swimming pools (Note: Aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage.);
 - (f) Fences;
 - (g) Retaining walls less than twelve (12) inches in width across the top surface; if twelve (12) inches or greater, the entire top surface shall be considered as lot coverage; and/or
 - (h) Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than

125Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

the minimum dimensions required to meet accessibility standards.

- (4) Where a maximum lot coverage is specified in the Table of Dimensional Requirements,¹²⁶ no building or part of a building or paved area or other form of coverage shall exceed such maximum allowable coverage except as specifically authorized by this chapter. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- B. Impervious lot coverage. In all districts, no lot shall have more coverage by impervious surface than as specified in the Table of Dimensional Requirements.¹²⁷ Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards, shall not be counted as coverage. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- C. Green area/open space. See definitions. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- D. Maximum lot coverage. The total lot non-green area/open space may not exceed the maximum coverage specified in the Table of Dimensional Requirements.¹²⁸ In order to fulfill the intent of maximum lot coverage, an applicant may shift a percentage of the building lot coverage requirement and the impervious lot coverage requirement, but in no case shall the maximum coverage percentage noted in the table be exceeded. **[Added 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- E. Multifamily district. In a multifamily district or zone, no apartment building or group of apartment buildings shall be built, reconstructed, extended or arranged so that the total floor area of all the buildings on any lot in a multifamily district shall exceed twenty percent (20%) of the area of the lot on which they stand, or not more than seven (7) family units per acre of land covered by the lot shall be permitted. No lot or the buildings thereon shall be changed in size so as to violate the provisions of this subsection. For the foregoing purpose, no part of the area of a way, public or private, which adjoins said lot shall be considered to be included in the area of said lot. For purposes of this subsection, floor area shall be the sum of the area of the several floors of each building, including area used for human occupancy in basements, attics and penthouses, as measured from the exterior faces of the wall. It shall not include unoccupied cellars or attics or unenclosed porches or balconies or any floor space in

126Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

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accessory buildings or main buildings intended and designed for the parking of vehicles or for accessory mechanical and electrical equipment, laundry or accessory storage. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

- F. See Table of Dimensional Requirements.¹²⁹ **[Added 12-16-2013 by Ord. No. 2013-043]**

§ 200-35. Maximum building height.

- A. In all districts, no building shall be erected so as to exceed the maximum building heights as specified in the Table of Dimensional Requirements for the district in which the building is located.¹³⁰ **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- B. Limitations of height, in feet, shall not apply to chimneys, ventilators, skylights, bulkheads and other accessory features, excluding water tanks, usually carried above roofs, nor to towers or spires of places of worship and other buildings, if such features are in no way normally used for human occupancy, and other buildings in business-zoned areas only, excluding buildings in areas surrounded by residential on at least two (2) sides, where maximum building height will be three (3) stories or forty (40) feet only.

§ 200-36. Handicapped access.

No dimensional lot requirement of this chapter, including but not limited to setback, front yard, side yard, rear yard and open space, shall apply to handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in MGL c. 22, § 13A.

§ 200-37. Lot frontage. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]

The regulations for each district pertaining to structural and lot dimensions such as coverage, setbacks, buffers, lot size, building height and the like shall be as specified in the Table of Dimensional Requirements¹³¹ and subject to the further provisions of this chapter.

¹²⁹Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

¹³⁰Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

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ARTICLE VII
Administration

§ 200-38. Building Commissioner. [Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996; 12-19-2011 by Ord. No. 2011-009]

- A. The Building Commissioner shall enforce the provisions of this chapter and exercise the powers and duties as provided in MGL c. 40A, § 7. The Building Commissioner, when refusing to act on a written complaint of a zoning violation, must give the reason, in writing, to the complainant within fourteen (14) days of receipt of the complaint.
- B. All applications for permits shall be in writing and shall be accompanied by a plan, drawn to scale, showing the size and dimensions of the lot or lots to be built upon, the streets and other premises upon which it abuts and the size and location of the building to be erected or altered. The application shall set forth the use or uses proposed or intended and such other information as requested by the Building Commissioner.
- C. No building or structure shall be erected or altered and no land, building or structure shall be used for a new, different, changed or enlarged use without a building permit therefor first having been obtained from the Building Commissioner, or, in case no building permit is required, unless a certificate of occupancy is issued by said Building Commissioner certifying that the use proposed is in conformity with the provisions of this chapter.
- D. The Building Commissioner, in conjunction with the Planning Board or its designee(s), shall enforce the site plan and design review process as outlined in this chapter. No building permit shall be issued without prior approval of the site plan and architectural design by both the Building Commissioner and the Planning Board or its designee(s). A foundation permit may be issued at the discretion of the Building Commissioner.

§ 200-39. Applications for multifamily dwellings. [Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996; 5-22-2006 ATM by Arts. 45 and 50, approved 10-17-2006]

An application for a permit for construction of multifamily apartment houses shall be accompanied by an additional copy of the plot plan required by § 200-38C and the floor plans and elevations and site plan as required by the State Building Code and two (2) copies of a site plan showing also off-street automobile parking spaces, loading and unloading areas, driveways, yards and landscaped areas and other lot use sufficient to determine compliance with all requirements of this chapter applicable to multifamily dwellings and the lot upon which they are to be constructed. The Building Commissioner shall promptly submit such additional copies and one (1) copy of such site plan to the Planning Board for review and the Planning Board's report. Site plan review and the amount of performance guarantee, which performance guarantee shall be one (1) of the methods stated in MGL c. 41, § 81U,

shall be done by the Planning Board and transmitted to the Building Commissioner within sixty (60) days of application for a building permit.

§ 200-40. Board of Appeals.

- A. The Town Council, forthwith upon the adoption of this chapter, shall appoint a Board of Appeals as provided in MGL c. 40A, § 12.
- B. The Board of Appeals shall exercise all the powers and duties set forth in MGL c. 40A, § 14, and may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter in harmony with its general intent and purpose, particularly with reference to the provisions of § 200-16, Article IV, § 200-24, and Article VI of this chapter, and with reference to the use of lots located in two (2) or more districts.
- C. At the time of filing an appeal, application or petition with the Board of Appeals, the applicant shall deposit with the Board of Appeals a permit fee as may be determined from time to time by the Board of Appeals under its rules and regulations as provided in MGL c. 40A, as amended.
- D. Appeals, applications, and petitions to the Board of Appeals shall be in writing and shall present the facts, reasons, and arguments supporting the request for relief sought and shall be filed with the Town Clerk, who, upon receipt, shall notify said Board. For all actions brought before the Board, as part of the facts, the applicant shall identify the owner of the property and the applicant, and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met. **[Amended 5-9-2011 by Ord. No. 2010-047]**
- E. The Board of Appeals shall consist of five (5) members as well as five (5) alternate members, and said Board of Appeals shall be known as the Board of Appeals for building appeals, planning appeals and zoning appeals as of May 1, 1969, as petitioned for by the Town Manager at the direction of the June 1968 Special Town Meeting. **[Amended 4-24-2001 ATM by Art. 22, approved 12-21-2001]**
- F. No use variance shall be permitted in any zone except where specifically authorized by this chapter.

§ 200-41. Amendments.

- A. Reconsideration of proposed changes in zoning. As provided in MGL c. 40A, no proposed bylaw making a change in any existing zoning bylaw, which has been unfavorably acted upon by the Town Council, shall be considered on its merits by the Town Council within two (2) years after the date of such unfavorable action, unless the adoption of such proposed bylaws is recommended in the final report of the Planning Board as required by MGL c. 40A, § 5.

- B. Effective date of amendments. Zoning amendments become effective when adopted by the Town Council as provided by MGL c. 40A, § 5.
- C. Procedure for zoning amendments. Adoption or change of zoning bylaws may be initiated by the submission of the proposed bylaw to the Town Council, by the Board of Appeals, the Planning Board, the Town Council, by an individual owning land to be affected by the change or adoption, by request of registered voters of the Town as provided in MGL c. 39, § 10, or by a regional planning agency. A proposal to amend this chapter which affects the Zoning Map shall include a complete boundary description, together with a plan of the area to be affected, showing existing zoning lines and proposed zoning lines, stating all pertinent dimensions, in feet, at a scale of not less than one hundred (100) feet to the inch. Within fourteen (14) days following receipt of any proposal to amend this chapter, the Town Council shall submit the same to the Planning Board for its review. Within sixty-five (65) days following the receipt by the Planning Board of a proposed amendment to this chapter, the Planning Board will hold a public hearing concerning the proposed amendment. The contents, posting and publication of the public hearing notice shall be as required by MGL c. 40A, § 5. Whenever a proposed amendment affects the Zoning Map, notice shall also be sent, by certified mail, return receipt requested, to all owners of land within three hundred (300) feet of the land affected, including land in adjoining towns if any, all as they appear on the most recent applicable tax list.
- D. Town Council action on proposed amendments. No vote to adopt any proposed amendment to this chapter shall be taken until a report, with recommendations, from the Planning Board has been submitted to the Town Council or twenty-one (21) days have elapsed following the public hearing by the Planning Board without the submission of such report. Upon the submission of a report by the Planning Board or at the expiration of the twenty-one-day period following the public hearing without submission of a report, the Town Council may adopt, amend or reject any proposed amendment to this chapter. A vote of two-thirds (2/3) of those present and voting shall be necessary for the adoption of any proposed amendment to this chapter. If the Town Council fails to act on any proposed amendment to this chapter within six (6) months following the date of the public hearing by the Planning Board, no action shall be taken unless another public hearing is held with notice and report as provided for above.

§ 200-42. Violations and penalties.

- A. If written complaint is made to the Building Commissioner, or if the Building Commissioner has reason to believe that any provision of this chapter is being or is about to be violated, the Building Commissioner shall make or cause an investigation to be made into the facts. Where complaint is made to the Building Commissioner, the Building Commissioner shall take action upon such complaint within fourteen

(14) days of receipt thereof and shall report such action in writing to the complainant. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**

- B. If the Building Commissioner finds no violation or prospective violation, any person aggrieved by this decision or any officer or board of the Town may, within thirty (30) days, appeal to the Board of Appeals. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- C. If the Building Commissioner finds a violation or prospective violation, the Building Commissioner shall give immediate notice, in writing, to the owner and to the occupant of the premises and shall order him or her to cease and desist and refrain from such violation. Any person aggrieved by the Building Commissioner's decision, or any officer or board of the Town, may, within thirty (30) days, appeal to the Board of Appeals. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- D. If, after such order, such violation continues and no appeal to the Board of Appeals is taken within thirty (30) days, the Building Commissioner shall forthwith make application to the Superior Court for an injunction or order restraining the violation and shall take such other action as is necessary to enforce the provisions of this chapter. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- E. If, after action by the Building Commissioner, an appeal is taken to the Board of Appeals, and after a public hearing the Board of Appeals finds that there has been a violation or prospective violation, the Building Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued under Subsection C. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- F. If such violation then continues, the Building Commissioner shall forthwith make application to the Superior Court for an injunction or order restraining the violation and shall take such other action as may be necessary to enforce this chapter. **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996]**
- G. Penalties for violations of any provisions of this chapter may, upon conviction, be affixed in an amount not less than \$20 nor more than \$300 for each offense. Each day or portion of a day that any violation is continued shall constitute a separate offense.

ARTICLE VIII
Special Permits

§ 200-43. Permit required; conditions.

The uses authorized by this article are to be permitted only upon the prior issuance of a special permit, as provided in this article. A special permit shall only be issued for a use which is in harmony with the general purpose and intent of this chapter. A special permit issued under this article may impose conditions, safeguards and limitations on time or use in order to further the objectives of this chapter.

§ 200-44. Procedure. [Amended 5-9-2011 by Ord. No. 2010-048; 12-19-2011 by Ord. No. 2011-009]

- A. Rules. The special permit granting authority shall adopt, and it may from time to time amend, rules relative to the granting of special permits. An up-to-date copy of such rules shall be kept on file in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style and number of copies of plans and specification and the procedure for the submission, processing and approval of all applications for such permits.
- B. Filing of application. An applicant for a special permit shall begin the application by submitting the materials required by the rules of the special permit granting authority with the special permit granting authority and by filing with the Town Clerk. All applications made to a SPGA shall identify the owner of the property and the applicant and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met.
- C. Public hearing. Not more than sixty-five (65) days following the date an application has been filed with it, the special permit granting authority shall hold a public hearing concerning each such application.
- D. Notice of public hearing. Notice of public hearing under this article shall be publication or posting as provided in MGL c. 40A, § 11, and by mailing to all parties in interest, as therein defined.
- E. Action on application. The special permit granting authority shall act with respect to each such application within ninety (90) days following the date of the public hearing on such application. Failure of the special permit granting authority to take final action within such period shall be deemed to be approval of such application.
- F. Special permits shall require an affirmative vote of at least four (4) members of a five-member board, two-thirds majority of a nine-member board and a unanimous vote of a three-member board.

- G. Withdrawal of an application. An application for a special permit which has been transmitted to the special permit granting authority may be withdrawn, without prejudice, by the applicant prior to the publication of the notice of a public hearing thereon; thereafter, it may be withdrawn without prejudice only with the approval of the special permit granting authority.
- H. Copy of decision. Upon the granting of a special permit, the special permit granting authority shall issue a certified copy of its decision to the owner and to the applicant if other than the owner. The decision shall contain the name and address of the owner, identify the land affected, set forth compliance with the statutory requirements for the issuance of the permit and certify that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.
- I. Time of taking effect. No special permit shall become effective until a copy of the decision of the special permit granting authority, bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that such appeal has been filed and that it has been dismissed or denied, is recorded in the Norfolk County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or the applicant.
- J. Lapse of permit. A special permit issued under this article shall lapse at the expiration of two (2) years following the date of the decision of the special permit granting authority, unless substantial use of the permit has been commenced, except for good cause, or, in the case of a permit for construction, if construction has not begun prior to such date, except for good cause.
- K. Conditions. The special permit granting authority may impose conditions, safeguards and limitations on time or use.
- L. Repeat of application. No application which has been unfavorably and finally acted upon by the special permit granting authority shall be favorably acted upon within two (2) years following the date of final unfavorable action, unless such special permit granting authority finds (by the same vote as required above) specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the record of its proceedings, and unless all but one (1) of the Planning Board members consents thereto, and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

§ 200-45. Authority to issue permits. [Amended 4-16-1996 ATM by Art. 15, approved 7-29-1996; 4-21-1998 ATM by Art. 6, approved 8-27-1998; 4-20-1999 ATM by Art. 4, approved 8-23-1999; 4-24-2000 ATM by Art. 5, approved 8-17-2000; 4-24-2001 ATM by

Arts. 15, 22, and 24, approved 12-21-2001; 5-22-2006 ATM by Arts. 43 and 50, approved 10-17-2006; 12-19-2011 by Ord. No. 2011-009]

A. Granting authority.¹³²

- (1) The Town Council shall be the special permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as an "SPTC."
- (2) The Planning Board shall be the special permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as an "SPPB."
- (3) The Town Council shall be the permit granting authority for those activities as listed on the Table of Allowable Activity where said table is listed as "PTC."
- (4) The Town of Randolph shall be governed by the Table of Allowable Activity. The following symbols shall have the following meanings as such symbols appear in the Table of Allowable Activity:

Y	=	Permitted by right
N	=	Not permitted
SPPB	=	Permitted by grant of special permit by Planning Board
SPTC	=	Permitted by grant of special permit by Town Council
PTC	=	Permitted by grant of Town Council

B. The Board of Appeals shall be the special permit granting authority for the following:

- (1) Extension or alteration of existing nonconforming structures or uses.
- (2) A nonconforming structure or use damaged or destroyed by accidental causes.

C. The Planning Board shall be the special permit granting authority for the following:

- (1) Construction of or conversion to a two-family dwelling.
- (2) Shared elderly housing.
- (3) In-law apartments.
- (4) Scientific research, development production when identified as a SPPB on the Table of Allowable Activity.¹³³

132Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

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§ 200-46. Requirements for particular uses/activities. [Amended 4-16-1996 ATM by Art. 15, approved 7-29-1996; 5-4-1998 ATM by Art. 6, approved 8-27-1998; 4-20-1999 ATM by Art. 4, approved 8-23-1999; 4-24-2001 ATM by Arts. 22 and 24, approved 12-21-2001; 4-25-2005 ATM by Art. 8, approved 10-18-2005; 5-22-2006 ATM by Art. 43, approved 10-17-2006; 10-25-2010 by Ord. No. 2010-035; 12-19-2011 by Ord. No. 2011-009]

A. General requirements for use.

- (1) A special permit shall be granted by the Planning Board or the Town Council, only upon the written determination of either body, as applicable, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town and to the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.
- (2) In addition to any specific factors that may be listed in this chapter, the general criteria to be considered in reviewing an application for a special permit include:
 - (a) The proposed use is in harmony with the general purpose and intent of this chapter.
 - (b) The proposed use is consistent with the Town Master Plan.
 - (c) Traffic flow and safety concerns, including parking and loading.
 - (d) Adequacy of utilities and other public services.
 - (e) Impacts on neighborhood character.
 - (f) Impacts on the natural environment.
 - (g) Fiscal impacts, including impacts on Town services, the tax base and employment.
- (3) The Planning Board or Town Council shall also make such other findings as may be required by this chapter and may impose conditions, safeguards and limitations deemed appropriate to protect the surrounding neighborhood, including, but not limited to, imposition of requirements greater than the minimum set forth by this chapter.

B. Specific requirements for use.

- (1) Removal of sand, gravel, loam or other earth materials. No person shall remove any soil, loam, sand or gravel from any land in the Town not in public use unless such removal is authorized by a permit issued by the Town Council except in conjunction with construction of a building on the parcel and except for the continued operation on the same parcel of an existing sand and

gravel pit. No such permit shall be issued until an application therefor is filed with said Board and said Board shall hold a public hearing on the application, and the date and the time of the public hearing thereon shall be advertised in a paper published in the Town at least fourteen (14) days before the public hearing, all as prescribed in § 200-44.

- (2) Scientific research, development and production. The Planning Board, as the special permit granting authority, may issue a special permit for uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, provided that there is a finding that the proposed accessory use does not substantially derogate from public good.
- (3) Extension or alteration of existing nonconforming structures or uses. The Board of Appeals, as the special permit granting authority, may issue a special permit for the extension or alteration of an existing building or structure or use upon a specific finding by said Board that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. A nonconforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot, provided that doing so renders the structure less nonconforming than previously, and used as before, provided that such repair, reconstruction or restoration shall be completed within two (2) years of said accidental damage or destruction.
- (4) Shared elderly housing. The Planning Board, as the special permit granting authority, may issue a special permit for shared elderly housing, notwithstanding the provisions of § 200-10 of this chapter, provided that the following conditions are met:
 - (a) The maximum number of occupants per dwelling unit will not exceed six (6).
 - (b) Occupants of such shared elderly housing must be age sixty (60) or older.
 - (c) Any lot or dwelling to be used for shared elderly housing must be zoned residential and shall conform to the dimensional requirements of Article VI of this chapter.
 - (d) One (1) parking space will be provided for each two (2) occupants and constructed in accordance with Article IV of this chapter.
 - (e) Other reasonable conditions as the Planning Board may deem appropriate in each individual case.

- (5) Adult bookstores, adult motion-picture theaters, adult clubs, adult paraphernalia stores and adult video stores. The Town Council, as the special permit granting authority, may issue a special permit for the establishment of an adult bookstore, an adult motion-picture theater, an adult club, an adult paraphernalia store or an adult video store, consistent with the standards applicable to applications for special permits generally, provided that all of the following conditions are met:
- (a) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store may only be located in an Industrial District or zone.
 - (b) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five hundred (500) feet from any residential or multifamily district or zone, measured from the property lines of the lot on which the bookstore, theater, club or store is to be established.
 - (c) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five hundred (500) feet from any establishment licensed under the provisions of MGL. c. 138, § 12. In the case of an adult club, which itself must be licensed under the provisions of MGL c. 138, § 12, such club must be located at least five hundred (500) feet from any other establishment licensed under the provisions of MGL c. 138, § 12.
 - (d) The adult bookstore, adult motion-picture theater, adult club, adult paraphernalia store or adult video store must be located at least five hundred (500) feet from any school, whether public or private, at least five hundred (500) feet from any house of worship, at least five hundred (500) feet from any day-care facility, and at least five hundred (500) feet from any public park or playground.
 - (e) Any signs or advertising devices for such adult bookstores, adult motion-picture theaters, adult clubs, adult paraphernalia stores or adult video stores shall not be illuminated and shall not exceed six (6) square feet each. No more than two (2) such signs or advertising devices shall be permitted.
 - (f) Any special permit granted under this Subsection B(5) shall lapse within six (6) months, including such time required to pursue or await the determination of an appeal taken under MGL c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause, or, in the case of a permit for construction, if construction has not begun by such date, except for good cause.

- (g) No use authorized by special permit under Subsection B(5) shall be located within two hundred fifty (250) feet of any other use authorized by special permit under this Subsection B(5).
- (6) Construction of or conversion to a two-family dwelling.
 - (a) The Planning Board, as the special permit granting authority, may issue a special permit for the construction of or conversion to a two-family dwelling, provided that all of the following conditions are met:
 - [1] The lot on which the dwelling is to be constructed or converted meets all of the area regulations specified in § 200-27 of this chapter.
 - [2] Six (6) copies of the building and site plans are to be submitted for review at least fourteen (14) days prior to the public hearing.
 - [3] Two (2) parking spaces are to be provided for each dwelling unit.
 - [4] An existing, conforming two-family or multifamily dwelling must be within five hundred (500) feet or five (5) contiguous single-family house lots (as defined in § 200-27A of this chapter), whichever is less, of the proposed two-family lot(s) and must share frontage on the same street.
 - [5] The proposed two-family dwelling must be in an area where existing, conforming two-family or multifamily dwellings constitute a minimum of twenty percent (20%) of the abutting dwellings.
 - [6] The shared frontage requirement in Subsection B(6)(a)[4] may be waived when the proposed two-family dwelling fronts on a new road (as with a new subdivision) and would otherwise not qualify for approval of a permit.
 - [7] Of every ten (10) permits granted to a petitioner, one (1) permit must be used to provide a two-family home selling at an average price not greater than seventy-five percent (75%) of the other nine (9). The sale of that targeted two-family unit must be accomplished within twelve (12) months of the granting of the permit, or the remaining permits shall be deemed null and void. The sale of the targeted two-family unit must be handled with the oversight of the Randolph Housing Officer (Form SP-4) to assure the public that no exclusionary practices are involved.

- [8] A notarized letter of identification of principals if the applicant or owner, or both, is a corporation, realty trust or an entity, rather than an individual. In the case of a company or corporation, the principals shall be listed, including and identifying those persons who are authorized to act on its behalf. In the case of realty trusts, all trustees shall be listed, and those who are authorized to act on behalf of the trust shall be identified. Any change in those persons identified, prior to the granting of a special permit, are to be noted to the Randolph Planning Board via a new notarized letter.
- [9] The Planning Board may establish fees to be paid to the Town of Randolph for such application per its rules and regulations.
- [10] A special permit may be granted to (re)build when an existing, conforming two-family home, by design not conversion, has been or will be destroyed or is otherwise no longer occupying a lot. Subsection B(6)(a)[2], [3] and [4] will not apply.
- (b) Conditions may be waived if there is a demonstrated, overwhelming need for this type of housing within the Town of Randolph. The conditions as previously set forth do not take the place of any other zoning bylaws but are meant as an addendum to them.
- (7) Drive-through windows. The placement, installation, use or maintenance of a drive-through window service, as defined in this section, shall not be allowed except as authorized to do so by a special permit issued by the Town Council. The Town Council, as the special permit granting authority, may issue a special permit for a drive-through window service, provided that all of the following conditions are met:
- (a) "Drive-through window," as used in this section, shall refer to any structure constructed, used, operated or maintained for the purposes of enabling a person, firm, corporation or other type of entity to provide food or other services of any kind to customers, wherein such customers are able to drive their automobiles or any other type of vehicles up to the facility and purchase such food or services while remaining in their vehicles.
- (b) Applicants shall file with the Town Council, on a form issued by the Town Council, a written application, signed under the penalties of perjury, containing the information specified therein as may be required by the Town Council.

- (c) The Town Council issuing such a special permit may require applicants to fulfill other reasonable conditions as it may deem appropriate in each individual case.
- (8) Twenty-four-hour business operations. No twenty-four-hour business operation shall be allowed unless authorized by a special permit. This subsection does not apply to licensed common victualers or to licensed establishments serving alcoholic beverages. For purposes of this section, "twenty-four-hour business operation" shall mean any business use which operates during all or any part of the period between 12:00 midnight and 5:00 a.m. The Town Council, as the special permit granting authority, may issue a special permit for a twenty-four-hour business operation in accordance with the following procedure:
 - (a) The applicant shall file with the Town Council, on a form issued by the Town Council, a written application signed under the pains and penalties of perjury setting forth the information required by the form.
 - (b) The Town Council shall determine whether the issuance of a special permit will be in harmony with the general purposes of this chapter.
 - (c) The Town Council shall impose such reasonable conditions upon issuance of the special permit as it determines are appropriate to further the general purposes of this chapter.
- (9) Wireless communications facilities: see Article X, Special Regulations, §§ 200-57 through 200-82, inclusive.
- (10) Crematories.
 - (a) The placement, installation, use or maintenance of a crematory shall not be allowed anywhere in the Town unless authorized by a special permit issued by the Town Council.
 - (b) The Town Council, as the special permit granting authority, may, in its discretion, issue a special permit for a crematory, but is not required to do so, even if all of the conditions stated below are satisfied.
 - (c) In order to issue a special permit for a crematory, the Town Council shall find that all of the following criteria and all other applicable procedural and substantive requirements of this chapter are satisfied:
 - [1] A crematory may be located only within the limits of a cemetery containing no less than twenty (20) acres, which cemetery shall have been in existence and actually used for burial purposes for a period of at least five (5) years

immediately preceding the time of initiating the crematory use.

- [2] The crematory facility shall be set back at least two thousand (2,000) feet from the property lines of the lot upon which it is located, plus an additional two thousand (2,000) feet from any residential zoning district abutting such lot.
 - [3] The crematory facility shall be set back at least two thousand (2,000) feet from any public or private way, including without limitation the way which provides frontage for the lot upon which the facility is located.
 - [4] No signage identifying the property as the location of a crematory shall be allowed.
 - [5] The frontage requirements of a lot containing a crematory shall be those of the underlying zoning district.
 - [6] The crematory shall have no detrimental effect on the neighborhood in which it is located or on the Town as a whole.
 - [7] The crematory shall be adequately screened by vegetation or a fence so that it is not visible from any residential zoning district or from any public or private way.
- (d) The Town Council may condition its grant of a special permit for a crematory, including, without limitation:
- [1] Conditions, safeguards and limitations on time and/or use;
 - [2] Term of ownership or use by the applicant;
 - [3] A specific term with renewals required;
 - [4] Hours of operation;
 - [5] Required parking spaces;
 - [6] Police details for public safety and traffic control;
 - [7] Landscaping; and
 - [8] Any condition the Town Council deems necessary or desirable for the health, safety and/or convenience of the residents of the neighborhood in which the facility is located or of the Town as a whole.
- (11) An in-law apartment may be added to a single-family dwelling if all of the following requirements are met:
- (a) The owner of the single-family dwelling must be the applicant and occupant of the premises.

- (b) There shall be a maximum of two (2) people living in the apartment.
 - (c) The applicant/owner shall provide satisfactory proof of kinship as defined in the § 200-3 definition of "family."
 - (d) No more than one (1) bedroom shall be permitted.
 - (e) There may be full kitchen facilities.
 - (f) One (1) additional full bathroom is permitted.
 - (g) The in-law apartment shall not exceed eight hundred (800) square feet of additional floor space.
 - (h) There shall not be more than one (1) in-law apartment within a single-family dwelling, and the appearance of the premises shall be that of a single-family dwelling. If a separate entrance is proposed, it shall be located to the side or rear of the existing structure.
 - (i) A covenant of restriction shall be filed at the Building Department and at the Registry of Deeds in the chain of title.
 - (j) There shall be a submittal of plans approved by the Building Department showing the floor plan and proposed parking.
 - (k) The Building Commissioner or designee and the Fire Department shall have the authority to enter and inspect the in-law apartment once, every two (2) years.
 - (l) Lot grading general bylaws shall be adhered to.
- (12) The Town Council, as the special permit granting authority, may, in its discretion, issue a special permit for a nonaccessory sign(s) located within the Sanitary Facility Zoning District and the Industrial Zoning District if it determines that the particular sign will be in harmony with the general purpose and intent of this subsection, provides a significant public benefit to the Town of Randolph and will not be injurious to the neighborhood in which such sign or signs are to be located, nor to traffic and safety conditions therein, nor otherwise detrimental to the public safety and welfare. Notwithstanding the aforementioned, the following conditions must be met:
- (a) No nonaccessory sign(s) shall be erected or maintained unless permitted under a permit lawfully issued, and remaining in full force and effect, by the Commonwealth of Massachusetts, or by any board or official succeeding to its authority in the administration of MGL c. 93, §§ 29 through 33, or any act in addition thereto or any amendment thereof and unless allowed by a special permit issued by the Town Council and a building

permit issued by the Town of Randolph Building Commissioner/Inspector.

- (b) Nonaccessory signs, including structural support(s), shall be limited to a certain height, not to exceed seventy (70) feet.
- (c) Nonaccessory signs shall be a certain distance, not to be within two hundred (200) feet, from any existing residential dwelling.
- (d) Nonaccessory signs shall not be erected or maintained in any residential districts within the Town of Randolph.
- (e) There shall be no more than a total of two (2) nonaccessory signs located within the Sanitary Facility Zoning District and the Industrial Zoning District.
- (f) Nonaccessory signs shall not be nearer than fifty (50) feet to any other such nonaccessory sign(s).
- (g) Each nonaccessory sign(s) must have no more than two (2) faces and each face shall measure a maximum of six hundred seventy-two (672) square feet [fourteen (14) feet in height by forty-eight (48) feet in length] in area.
- (h) Nonaccessory signs may contain moving, nonmoving, fixed or trivision (or similar) technology so long as it would not create a driving hazard.
 - [1] Advertising surfaces must have a minimum duration of ten (10) seconds with a change sequence of instantaneous repixelization. **[Amended 5-6-2013 by Ord. No. 2013-021]**
 - [2] No audio is permitted.
- (i) Nonaccessory signs can be illuminated in accordance with the following:
 - [1] Signs may be illuminated by reflected, light-emitting diode (LED) or silhouette-type lighting.
 - [2] No illumination shall be permitted which casts a glare on any residential premises. Signs shall be equipped with shielding, lenses or cut-off devices to eliminate light trespass and limit to three-tenths (0.3) footcandle measured at the property line. **[Amended 5-6-2013 by Ord. No. 2013-021]**
 - [3] No colored lights shall be used if it is the opinion of the Chief of Police that such colors would create a driving hazard.
- (j) Nonaccessory signs attached to a roof are not permitted.

- (k) The Town of Randolph Building Commissioner is hereby designated and authorized as the officer charged with the enforcement of this subsection.
- (l) Nonaccessory signs are allowed in IDs (Industrial Districts); they are not allowed in the GPCCOD (Great Pond Commerce Center Overlay District).
- (m) Sections 200-47 through 200-56 of this chapter are superseded by this subsection.
- (n) Electronic signs are permitted as nonaccessory signs in the approved districts with the following conditions: **[Added 5-6-2013 by Ord. No. 2013-020]**

- [1] Each static display must last at least ten (10) seconds
- [2] The sign achieves an instant message change.
- [3] The sign does not display illumination that moves, appears to move or changes in intensity during the static display period. This does not include changes to a display for time, date and temperature.
- [4] The sign automatically adjusts the intensity of its display according to natural ambient light conditions.
- [5] The brightness of the electronic sign shall not exceed three-tenths (0.3) footcandle above ambient light as measured perpendicular to the sign face at two hundred fifty (250) using a footcandle meter.
- [6] Electronic signs shall not:
 - [a] Emit any sound.
 - [b] Cause beams or rays of light to be directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of a motor vehicle.
 - [c] Obscure or interfere with the effectiveness of an official traffic sign, device or signal, or cause an undue distraction to the traveling public.
 - [d] Contain more than one (1) face visible from the same direction on the traveled way.
 - [e] Obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

- [f] Be within five hundred (500) feet of any type of permitted sign regardless of which direction the sign is intended to face.
 - [g] Be within one thousand (1,000) feet of another off-premises permitted electronic sign on the same side of the traveled way regardless of which direction the sign is intended to face.
 - [h] Be within one thousand (1,000) feet of another off-premises permitted electronic sign on the opposite side of the traveled way regardless of which direction the sign is intended to face.
 - [i] Contain flashing, intermittent, or moving lights; or display animated, moving video or scrolling advertising.
- (13) Rehabilitation facility or assisted-living facility. The Town Council, as the special permit granting authority, may, in its sole discretion, issue a special permit for a rehabilitation facility or assisted-living facility located within an applicable district if it determines that the particular use provides a significant benefit to the Town of Randolph, will not be injurious to the neighborhood in which it is located, nor to traffic and safety conditions therein, nor otherwise detrimental to the public safety and welfare. Notwithstanding the aforementioned, the following conditions must be met: **[Added 4-8-2013 by Ord. No. 2012-028A]**
- (a) Lot size shall have a minimum of three (3) acres.
 - (b) The site must have at least one (1) property line abutting a major thoroughfare.
 - (c) Where any required yard abuts a residential zone, there shall be a forty-foot vegetated buffer which contains upright coniferous evergreens six (6) feet in height and fifteen (15) feet on center.
 - (d) Access to ambulance and delivery areas shall be directly from a major thoroughfare, not a secondary road. Areas shall be obscured from all adjacent residentially zoned districts through installation of fencing at least six (6) feet in height supplemented by landscaping.
 - (e) Garages for parking and storage of emergency and maintenance vehicles are subject to the following conditions:
 - [1] Provided that such use is accessory to the principal use.
 - [2] The minimum distance of any garage from any property line shall be fifty (50) feet.

- [3] No garage may be located between the side of the principal building and the closest major thoroughfare.
- [4] Garages must be designed to be architecturally compatible with the primary building.

(14) Marijuana treatment center(s), sales, cultivation, harvesting.
[Added 1-28-2013 by Ord. No. 2013-001; amended 5-6-2013 by Ord. No. 2013-004]

- (a) The Town Council, acting as the special permit granting authority, may issue a special permit for the establishment of a marijuana treatment center(s), marijuana growing, cultivating, or harvesting areas, marijuana distribution, provided that the following conditions are met:
 - [1] The applicant must qualify for and abide by any and all local and state rules, regulations and/or laws applicable to a medical marijuana treatment center(s);
 - [2] The applicant and any and all employees or agents of applicant shall execute a Massachusetts criminal offender record information (CORI) request form to be administered by Department of Criminal Justice Information Services (DCJIS), which will be used in the determination of the special permit;
 - [3] No owner, agent, or employee of the applicant shall have been convicted of an offense under MGL Chapters 272, 94C, 64K, 269, 265, 271, 266, 272, 118E, 112, or like crimes from another state or territory of the United States or foreign jurisdictions;
 - [4] The parcel for which said special permit is being requested shall be no closer than one thousand (1,000) feet to a school (public or private), a playground/park or other public area that the general public has access to, a halfway house, sober house, treatment center, AA/NA gathering or meeting point, or house of worship; any club or children's oriented activity where children gather, including day-care centers, libraries, arcades, etc.;
 - [5] The property in which the applicant not-for-profit entity shall be located shall be in a freestanding building and shall not share a common wall with any other use or tenant space;
 - [6] No signage shall be allowed other than one (1) single sign measuring no greater than eighteen (18) inches by six (6) inches, which shall be affixed to the front door of the establishment and shall not be illuminated;

- [7] All other sections of the Town of Randolph's Sign Bylaw shall not apply to this special permit;¹³⁴
- [8] The applicant shall file a completed Town application on an approved application form issued by the Town Council which shall include:
- [a] A written exterior refuse control plan.
 - [b] A written public safety plan for police matters.
 - [c] A written public safety plan with regard to fire matters.
 - [d] A written plan to reduce odorous emissions.
 - [e] An indication whether the medical use is to be consumed on the premises.
- [9] The applicant shall pay to the Town an application fee at the time of the original submittal and the applicant shall also pay to the Town an annual renewal fee.
- [10] All dispensaries shall be inspected on a semiannual basis by the Building Department, Fire Department, Police Department, and Board of Health. There shall be a semiannual fee of \$125 to be paid to each department to offset all additional costs associated with the facility inspection, except sprinkler fee inspections. These semiannual reports shall be forwarded to the SPGA outlining that the entity is in compliance or if any deviations exist;
- [11] The hours of operation shall be no earlier than 8:30 a.m. and no later than 7:00 p.m.;
- [12] There shall be no drive-through or take-out window allowed;
- [13] Dispensing of any marijuana product shall not occur in any automated manner, i.e., vending machines. All dispensing must occur in a person-to-person manner within the confines of the closed facility; and
- [14] Any condition that the Town Council deems necessary or desirable to benefit, protect, and secure the health, safety, and/or convenience of the Town and/or the residents of the neighborhood in which the medical marijuana treatment center(s) facility is located.

134Editor's Note: See Art. IX, Signs and Advertising Devices, of this chapter.

(b) Hardship cultivation. All persons who possess a hardship cultivation registration as defined herein shall be allowed to cultivate medical marijuana within a single-family residential home, subject to the conditions set forth by the commonwealth and the conditions set forth in § 200-46 and these additional conditions:

- [1] The registrant shall provide a copy of its registration card to the heads of the Police Department, Fire Department, Building Department and the Board of Health.
- [2] The registrant shall provide a security plan to the head of the Police Department that outlines specific protection of the medical marijuana within an enclosed and locked facility.
- [3] The registrant shall provide a plan in the case of a fire to the Fire Chief to protect the general public and first responders and other safety officials.
- [4] The registrant shall obtain building, wiring, plumbing and any other permits necessary to construct the enclosed facility, locked facility, for the cultivation of medical marijuana and obtain subsequent inspections for permits.
- [5] The cultivation under this subsection must take place on property that is owned, rented or leased by the registrant; if the property is leased or rented, then a signed affidavit from the owner of the property must be submitted allowing the cultivation to exist.
- [6] The registrant shall provide a written plan to reduce odorous emissions.

ARTICLE IX
Signs and Advertising Devices

§ 200-47. Compliance required. [Amended 11-3-1997 STM by Art. 13, approved 2-6-1998]

All signs and advertising devices shall comply with regulations for the erection and construction of signs contained in the current edition of the Massachusetts State Building Code (780 CMR) and other applicable Town regulations, except as shall be under the jurisdiction of the State Billboard Act (Chapter 584, Section 4, of the Acts of 1955, as amended).¹³⁵ Signs shall be permitted in accordance with the following regulations.

§ 200-48. Definitions. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]

See § 200-3.

§ 200-49. Nonconforming signs. [Amended 11-3-1997 STM by Art. 13, approved 2-6-1998; 4-25-2005 ATM by Art. 5, approved 10-18-2005]

- A. Ground, pole, projecting, permanent window, roof or wall signs which were legally erected before the adoption of this article which do not conform to the provisions of this article may continue to be maintained without a permit; provided, however, that no such sign shall be permitted if, after the adoption of this article, it is enlarged, redesigned or altered in any way, except to conform to the requirements of this article; and provided, further, that any such sign which has deteriorated to such an extent that the cost of restoration would exceed twenty-five percent (25%) of the replacement cost shall not be repaired or altered unless brought into conformity with this article. The exemption herein granted shall terminate with respect to any sign which:
- (1) Shall have been abandoned.
 - (2) Advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises.
 - (3) Shall not have been repaired or properly maintained after notice to that effect has been given by the Building Commissioner in accordance with the current edition of the Massachusetts State Building Code (780 CMR).
- B. Ground, pole, projecting, roof or wall signs which were legally erected before the adoption of this article which do not conform to the provisions of this article may continue to be maintained (grandfathered), provided that the business can document the sign

135Editor's Note: See MGL c. 93, § 29.

through a photograph submitted to the Building Commissioner within six (6) months of the adoption of this section. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

§ 200-50. Administration. [Added 11-3-1997 STM by Art. 13, approved 2-6-1998; amended 5-10-2000 ATM by Art. 8, approved 9-27-2000; 5-22-2006 ATM by Art. 50, approved 10-17-2006; 12-13-2010 by Ord. No. 2010-039]

- A. Permits. No sign, billboard or other advertising device shall be erected on the exterior of any building or any land, and no sign shall be altered or enlarged, until an application, on appropriate forms furnished by the Building Department, has been filed with the Building Commissioner and the Planning Department, or their successors, with such information, including photographs, plans and scaled drawings, as may be required; and a permit shall be issued by the Building Commissioner or designee and Planning Department, or their successors, for such erection, alteration or enlargement. The fee for such permits shall be determined from time to time by the Town Council. The provisions of this subsection shall not apply to:
- (1) Signs excluded in § 200-51 below.
 - (2) Political signs in § 200-52 below.
 - (3) One (1) real estate sign, advertising the premises for sale or rent, of not over ten (10) square feet in area [five (5) square feet per side] located on the premises in question.
 - (4) Nonaccessory signs located within the Sanitary Facility Zoning District and Industrial Zoning District, provided they shall first have obtained a permit from the Town Council for construction of said structure.

§ 200-51. Exclusions.

Specifically excluded from these regulations are the following:

- A. The displaying of national, state and corporate flags.
- B. Street signs, traffic control signs, directional signs or other lawful signs erected by the Town of Randolph or other governmental authority or agency.
- C. Interior window displays or temporary banners for drive-in establishments or automotive establishments, except as provided in §§ 200-52 and 200-53 below.
- D. Bulletin boards or identification signs for houses of worship, public libraries or public museums; provided, however, that each sign shall be not more than thirty-two (32) square feet in area. A maximum of two (2) such signs is permitted.

§ 200-52. Political signs. [Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]

- A. No political sign shall be erected on public property or public ways.¹³⁶
- B. No political sign shall be erected on private property without the express permission of the owner of said property.
- C. No permit shall be required for political signs.

§ 200-53. Nursing care facilities.

- A. The Town Council may grant permits authorizing the erection of signs for directional purposes to nursing care facilities.
- B. Signs erected under these provisions shall be considered off-premises signs.
- C. No such signs shall be erected, altered or enlarged until an application (on a form furnished by the Building Department), plans, specifications and appropriate fees and/or bond shall be filed (and/or paid to the Town) through or with the Town Council. The Town Council may refer such application, plans and specifications to the Building Commissioner for review on compliance with this article and 780 CMR Article 29 (current edition). **[Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996; 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- D. Permits issued for nursing care facility signs are revocable and of limited duration. Such permits do not create property rights. Nothing herein is intended to, and nothing shall be construed to, create vested property rights of any kind.
- E. Without limitation in applying certain standards prospectively, the Town Council does not intend and shall not be deemed to grant any vested rights to any permit holder.

§ 200-54. General regulations. [Amended 4-16-1996 ATM by Art. 11, approved 7-29-1996; 11-3-1997 STM by Art. 13, approved 2-6-1998]

- A. In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated. A sign (including temporary interior window displays or banners) or its illuminator shall not, by reason of its location, shape, size or color, interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Therefore, flashing or animated signs of red-, yellow- or green-colored lights are not permitted.

¹³⁶Editor's Note: Original Section 4(6), which immediately followed, was deleted from the original Code and repealed 4-16-1996 ATM by Art. 9, approved 7-29-1996.

- B. A nonaccessory sign(s) shall be permitted within the Town of Randolph but only located within the Sanitary Facility Zoning District and the Industrial Zoning District as provided for in § 200-46 above. In all other zoning districts, no nonaccessory sign(s) and/or billboard or sign shall be permitted which does not relate to the identity or business of the owner or legal occupant of the premises upon which it is located, except as provided in § 200-46. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006; 10-25-2010 by Ord. No. 2010-040]**
- C. In all districts, the limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- D. In all districts, all signs, with the exception of roof signs, shall be freestanding and secured to a post or stake driven into the ground. Such signs shall not be attached to buildings, trees, fences, poles, rocks, etc. within the right-of way of any public way. **[Amended 4-28-2003 ATM by Art. 25, approved 10-1-2003; 5-22-2006 ATM by Art. 50, approved 10-17-2006]**
- E. In the interest of the public's health and safety, the following are not permitted:
- (1) Flashing illuminated signs.
 - (2) A sign any part of which moves or is designed to move by any means, except such portions of a sign as consist solely of indicators of time or temperature. This subsection shall include digital and digital scrolling signs.
 - (3) Any noise-making signs.
 - (4) Any sign within twenty-five (25) feet of an intersection of two (2) streets, so placed in any way as to obstruct clear vision in any direction.
 - (5) Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beam in the eyes of oncoming motorists or pedestrians.
 - (6) Any sign on the exterior of any building or premises that advertises the sale of tobacco or alcohol by brand. Interior window signage is excluded from this subsection.
 - (7) There shall be no flags, pennants, streamers, ribbons, spinners or other moving devices on the exterior of a building or premises. An exception may be granted upon approval of the Building Commissioner or designee, based upon a written application, and approval for the temporary erection of a sign advertising a grand opening, a public promotion of civic welfare (this does not include

promotions of products or sales) or charitable purpose, a religious or educational event. Such sign shall not be up for a period exceeding thirty (30) days. **[Amended 5-10-2000 ATM by Art. 8, approved 9-27-2000; 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

F. In all districts, no sign shall be illuminated except in accordance with the following restrictions:

- (1) Sign illumination is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that signs of retail establishments may be illuminated during any hours these establishments are open to the public.
- (2) Sign illumination for twenty-four (24) hours daily is permitted only where such illumination does not infringe upon residential property.
- (3) No more than three (3) colors shall be permitted. No red or green lights shall be used if, in the opinion of the Chief of Police, such colors would create a driving hazard. **[Amended 4-28-2003 ATM by Art. 27, approved 10-1-2003]**
- (4) Exposed gaseous tube-type signs shall not exceed ten (10) square feet in area; signs illuminated by reflected or silhouette-type lighting are not subject to this limitation.
- (5) No illumination shall be permitted which casts glare onto any portion of any street or residential premises. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

G. In all districts, portable signs are not permitted. **[Amended 5-22-2006 ATM by Art. 50, approved 10-17-2006]**

H. Colors.

- (1) Not more than three (3) colors shall be permitted.
- (2) Iridescent or fluorescent colors shall not be permitted.
- (3) The above restrictions shall not apply to corporate trademarks or corporate logos.

I. Crawford Square Business District general regulations. **[Added 5-25-2005 ATM by Art. 5, approved 10-18-2005]**

- (1) In the CSBD, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated. A sign (including temporary interior window displays or banners) or its illuminators shall not, by reason of its location, shape, size or color, interfere with traffic or be

confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Therefore, flashing or animated signs are not permitted.

- (2) No billboard or sign shall be permitted which does not relate to the identity or business of the owner or legal occupant of the premises upon which it is located, except as provided in §§ 200-49 and 200-53.
- (3) The limitations on the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business or residence.
- (4) No commercial advertising shall be affixed upon or painted upon any rock, tree, utility pole, or fence in the Town of Randolph.
- (5) In the interest of public safety, the following are not permitted:
 - (a) Flashing illuminated signs.
 - (b) A sign any part of which moves or is designed to move by any means, except such portions of a sign as consist solely of indicators of time or temperature.
 - (c) Any noise-making sign.
 - (d) Any sign within twenty-five (25) feet of an intersection of two (2) streets, so placed in any way as to obstruct clear vision in any direction.
 - (e) Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beam in the eyes of oncoming motorists or pedestrians.
 - (f) There shall be no flags, pennants, streamers, ribbons, spinners, or other moving devices on the exterior of a building or premises. An exception may be granted upon approval of the Building Commissioner or designee, based upon written application, and approval for the temporary erection of a sign advertising a grand opening, a public promotion of civic welfare or charitable purpose, a religious or educational event. Such sign shall not be up for a period exceeding thirty (30) days.
- (6) No sign shall be illuminated except in accordance with the following restriction:
 - (a) Sign illumination is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that signs of retail establishments may be illuminated during any hours these establishments are open to the public.

- (b) Sign illumination for twenty-four (24) hours daily is permitted only where such illumination does not infringe upon residential property.
 - (c) No more than three (3) colors shall be used. No red or green lights shall be used if, in the opinion of the Police Chief, such colors will present a driving hazard.
 - (d) Exposed gaseous tube-type signs shall not exceed ten (10) square feet in area. Signs illuminated by reflected or silhouette-type lighting are not subject to this limitation.
 - (e) No illumination shall be permitted which casts glare onto any portion of any street or residential premises.
 - (f) All wall signs shall (if illuminated) be with white light by direct method only.
- (7) Portable signs are not permitted.
- (8) Colors.
- (a) Not more than three (3) colors shall be permitted.
 - (b) Iridescent or fluorescent colors shall not be permitted.

§ 200-55. Permitted signs. [Amended 11-3-1997 STM by Art. 13, approved 2-6-1998; 5-22-2006 ATM by Art. 50, approved 10-17-2006]

- A. The following signs shall be permitted in Residential HD, Residential MD, Multifamily, Multifamily 55+, Business HA and Business Professional Districts:
- (1) One (1) professional nameplate for each medical doctor or dental practitioner, provided that such sign shall not exceed two and one-half (2 1/2) square feet in surface area.
 - (2) One (1) identification sign for each dwelling unit, provided that such sign shall not exceed one (1) square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
 - (3) One (1) identification sign for each membership club, funeral establishment, hospital, house of worship, other place of public assembly, community facility or public utility use, provided that the sign shall not exceed twenty (20) square feet in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall be set back at least ten (10) feet from the lot line.
 - (4) One (1) unlighted temporary sign offering premises for sale, rent or lease for each parcel in one (1) ownership, provided that it shall

not exceed thirty-two (32) square feet in surface area and it shall be set back at least ten (10) feet from the lot line.

- (5) One (1) unlighted temporary sign of an architect, engineer or contractor erected during the period that such person is performing work on the premises on which such sign is erected, provided that it shall not exceed twenty (20) square feet in surface area. A double-faced sign shall be one (1) sign except both sides shall be computed in determining area of sign, and it shall be set back at least ten (10) feet from the lot line.
 - (6) One (1) unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided that it shall not exceed thirty-two (32) square feet in surface area and it shall be set back at least ten (10) feet from any lot line.
 - (7) On a premises with an authorized use variance, one (1) wall sign, one (1) pole sign and one (1) ground sign as permitted in Subsection B below.
 - (8) Nonaccessory signs are not allowed. **[Added by Ord. No. 2010-041]**
- B. The following signs shall be permitted in the Crawford Square BD, North Randolph BD, West Corners BD, General BD, Sanitary Facility D Districts:
- (1) Signs permitted in Subsection A above, subject to the same regulations.
 - (2) One (1) wall sign for each establishment, provided that it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than ten percent (10%) of the area of the wall on which it is displayed or one hundred forty (140) square feet, whichever is less; and, if lighted, it shall be illuminated internally or by direct method with white light only.
 - (3) One (1) projecting sign and/or canopy for each building, provided that it shall be attached and parallel to the main wall of the building; it shall not project horizontally beyond a line drawn perpendicularly upward from two (2) feet inside the street line; it shall be erected at a height not less than ten (10) feet nor more than twenty-two (22) feet in height above the ground or sidewalk; it shall not exceed forty (40) square feet in surface area for a two-sided sign and twenty (20) square feet in surface area for a one-sided sign; and, if lighted, it shall be illuminated by indirect method white light only.
 - (4) One (1) pole sign for each lot, provided that it shall not exceed forty-eight (48) square feet of surface area; no portion of it shall

be set back less than ten (10) feet from the lot line; it shall not be erected so that any portion of it is over thirty (30) feet above the ground or the sidewalk; and, if lighted, it shall be illuminated internally by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [one (1) pole].

- (5) One (1) ground sign for each business lot, single principal business, provided that it shall not exceed one hundred twenty-five (125) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over ten (10) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].
- (6) One (1) ground sign for each business lot, multiple principal businesses [three (3) or more], provided that it shall not exceed one hundred twenty-five (125) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light only or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].
- (7) Roof signs are not allowed.
- (8) Window signs shall not occupy more than fifty percent (50%) of the individual window or thirty percent (30%) of the gross window area of the facade or window wall in question. Window signage is permitted to cover more than fifty percent (50%) of an individual window if the total signage for the gross window area is under the thirty-percent limit.
- (9) Not more than two (2) signs of the types permitted in Subsection B(2) through (7) above shall be permitted for each lot.
- (10) A wall sign shall be eligible for internal illumination, provided it is part of a shopping center having five (5) or more tenant spaces and where the majority of which entrances are fronted on a road and are located at least thirty-five (35) feet from said road (If the stores front on a parking lot which is a common area for a grouping of stores facing each other, that shall not be considered fronting on a street regardless if they meet the thirty-five-foot requirement.); provided that all signs are consistent with and continue to comply with an approved scheme or system for that shopping center.

- (11) Nonaccessory signs are permitted in the Sanitary Facility District but are not allowed in Crawford Square BD, North Randolph BD, West Corners BD and General BD. **[Added by Ord. No. 2010-041]**
- C. The following signs shall be permitted in the Blue Hill River HD, Great Bear Swamp HD:
- (1) Signs permitted in Subsections A and B above, subject to the same regulations.
 - (2) One (1) wall sign for each establishment, provided that it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than ten percent (10%) of the area of the wall on which it is displayed or one hundred forty (140) square feet, whichever is less; and, if illuminated, it shall be illuminated by indirect method with white light or internally illuminated by white light only.
 - (3) One (1) projecting sign and/or canopy for each building, provided that it shall be attached and parallel to the main wall of the building; it shall not project horizontally beyond a line drawn perpendicularly upward from two (2) feet inside the street line; it shall be erected at a height not less than ten (10) feet nor more than thirty (30) feet above the ground or sidewalk; it shall not exceed forty (40) square feet in surface area for a two-sided sign and twenty (20) square feet in surface area for a one-sided sign; and, if lighted, it shall be illuminated by indirect method by white light only.
 - (4) One (1) pole sign for each lot, provided that it shall not exceed forty-eight (48) square feet of surface area; no portion of it shall be set back less than ten (10) feet from any lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [one (1) pole].
 - (5) One (1) ground sign for each business lot, single principal business, provided that it shall not exceed one hundred twenty-five (125) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over ten (10) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].

- (6) One (1) ground sign for each business lot, multiple principal businesses [three (3) or more], provided that it shall not exceed two hundred fifty (250) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light only or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].
 - (7) One (1) roof sign for each building, provided that it shall not exceed two hundred fifty (250) square feet in area. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area. The top roof sign shall not exceed fifty (50) feet as measured from the ground to the top of the sign.
 - (8) Window signs shall not occupy more than fifty percent (50%) of an individual window or thirty percent (30%) of the gross window area of the facade or window wall in question. Window signage is permitted to cover more than fifty percent (50%) of an individual window if the total signage for the gross window area is under the thirty-percent limit.
 - (9) Not more than two (2) signs of the types permitted in Subsection C(2) through (7) above shall be permitted for each lot.
 - (10) Nonaccessory signs are not allowed. **[Added by Ord. No. 2010-041]**
- D. The following signs shall be permitted in Industrial Districts and Great Pond Commerce Center Overlay District:
- (1) Signs permitted in Subsections A, B and C above, subject to the same regulations.
 - (2) One (1) wall sign for each establishment, provided that it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than ten percent (10%) of the area of the wall on which it is displayed or one hundred forty (140) square feet, whichever is less; and, if illuminated, it shall be illuminated by indirect method by white light only.
 - (3) One (1) projecting sign and/or canopy for each building, provided that it shall be attached and parallel to the main wall of the building; it shall not project horizontally beyond a line drawn perpendicularly upward from two (2) feet inside the street line; it shall be erected at a height not less than ten (10) feet nor more than thirty (30) feet above the ground or sidewalk; it shall not exceed forty (40) square feet in surface area for a two-sided sign

and twenty (20) square feet in surface area for a one-sided sign; and, if lighted, it shall be illuminated by indirect method by white light only.

- (4) One (1) pole sign for each lot, provided that it shall not exceed forty-eight (48) square feet of surface area; no portion of it shall be set back less than ten (10) feet from any lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [one (1) pole].
- (5) One (1) ground sign for each business lot, single principal business, provided that it shall not exceed one hundred twenty-five (125) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over ten (10) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].
- (6) One (1) ground sign for each business lot, multiple principal businesses [three (3) or more], provided that it shall not exceed two hundred fifty (250) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light only or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of sign [two (2) poles].
- (7) One (1) roof sign for each building, provided that it shall not exceed two hundred fifty (250) square feet in area. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area. The top roof sign shall not exceed fifty (50) feet as measured from the ground to the top of the sign.
- (8) Window signs shall not occupy more than fifty percent (50%) of an individual window or thirty percent (30%) of the gross window area of the facade or window wall in question. Window signage is permitted to cover more than fifty percent (50%) of an individual window if the total signage for the gross window area is under the thirty-percent limit.
- (9) Not more than two (2) signs of the types permitted in Subsections D(2) through (7) above shall be permitted for each lot.

(10) Nonaccessory signs are allowed in Industrial Districts, but not allowed in the Great Pond Commerce Center OD. **[Added by Ord. No. 2010-041]**

E. Wetland and Watershed Protection Overlay District: shall be that of the underlying zoning district.

F. Institutional Open Space District. (This section intentionally left blank).

**§ 200-55.1. Permitted signs in Crawford Square Business District.
[Added 4-25-2005 ATM by Art. 5, approved 10-18-2005]**

A. The following signs shall be permitted in the Crawford Square Business District:

- (1) One (1) professional nameplate for each medical doctor or dental practitioner, provided that such sign shall not exceed two and one-half (2 1/2) square feet in surface area.
- (2) One (1) identification sign for each dwelling unit, provided that such sign shall not exceed one (1) square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
- (3) One (1) identification sign for each membership club, funeral establishment, hospital, house of worship, other place of public assembly, community facility, or public utility use, provided that the sign shall not exceed twenty (20) square feet in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall be set back at least ten (10) feet from any lot line.
- (4) One (1) unlighted temporary sign offering premises for sale, rent or lease for each parcel in one (1) ownership, provided that it shall not exceed thirty-two (32) square feet in surface area and it shall be set back at least ten (10) feet from any lot line.
- (5) One (1) unlighted temporary sign of an architect, engineer, or contractor erected during the period that such person is performing work on the premises on which such sign is erected, provided that it shall not exceed twenty (20) square feet in surface area. A double-faced sign shall be one (1) sign, except that both sides shall be computed in determining area of the sign, and it shall be set back at least ten (10) feet from any lot line.
- (6) One (1) unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided that it shall not exceed thirty-two (32) square feet in surface area and it shall be set back at least ten (10) feet from any lot line.

- (7) On a premises with an authorized use variance, one (1) wall sign, one (1) pole sign, and one (1) ground sign as permitted in Subsection B below.
- B. The following signs shall be permitted in the Crawford Square Business District:
- (1) Signs permitted in Subsection A above, subject to the same regulations.
 - (2) One (1) wall sign for each establishment, provided that it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than ten percent (10%) of the area of the wall on which it is displayed or one hundred forty (140) square feet, whichever is less; and, if illuminated, it shall be illuminated by direct method with white light only.
 - (3) Projecting signs are not allowed.
 - (4) One (1) canopy for each building, provided that it shall be attached to the same wall of the building; it shall be erected at a height not less than ten (10) feet nor more than thirty (30) feet above the ground or sidewalk; it shall not exceed forty (40) square feet in surface area; and, if lighted, it shall be by indirect method only by white light.
 - (5) One (1) pole sign for each lot, provided that it shall not exceed forty-eight (48) square feet of surface area; no portion of it shall be set back less than ten (10) feet from any lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [one (1) pole].
 - (6) One (1) ground sign for each business lot, provided that it shall not exceed one hundred twenty-five (125) square feet in surface area; it shall be set back at least ten (10) feet from any street or lot line; it shall not be erected so that any portion of it is over twenty (20) feet in height above the ground or sidewalk; and, if lighted, it shall be illuminated by indirect method by white light or internally illuminated by white light only. A double-faced sign shall be deemed to be one (1) sign, except that both sides shall be computed in determining area of the sign [two (2) poles].
 - (7) Roof signs are not allowed.
 - (8) Window signs shall not occupy more than fifty percent (50%) of the individual window or thirty percent (30%) of the gross window

area of the facade or window wall in question. Window signage is permitted to cover more than fifty percent (50%) of an individual window if the total signage for the gross window area is under the thirty-percent limit.

- (9) Not more than two (2) signs of the types permitted in Subsection B(2) through (7) above shall be permitted for each lot.

§ 200-56. Severability. [Added 11-3-1997 STM by Art. 13, approved 2-6-1998]

The invalidity of any section or provision of this article shall not invalidate any other section or provision hereof.

ARTICLE X

Wireless Communications Facilities**§ 200-57. Purpose; administration.**

- A. This article is adopted for the authorization and regulation of the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities and the protection of the general public from the impacts associated with wireless communications facilities. It is the purpose of this article to:
- (1) Preserve the character and appearance of the Town, including, but not limited to, the scenic, historic, environmental and natural or man-made resources of the Town, while simultaneously allowing adequate wireless communications facilities to be developed;
 - (2) Minimize the adverse impact of wireless communications facilities on adjacent properties and residential neighborhoods;
 - (3) Provide procedures, standards and requirements for the authorization, regulation, placement, construction, installation, modification, use, monitoring, and removal of wireless communications facilities;
 - (4) Minimize the overall number and height of wireless communications facilities and promote shared use of existing wireless communications facilities to reduce the need for additional wireless communications facilities; and
 - (5) Guide sound development while promoting the health, safety and general welfare of the Town of Randolph consistent with applicable federal law.
- B. In accordance with the requirements of 47 U.S.C. § 332(c)(7)(B), and until these requirements are modified, amended or repealed, in regulating the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities, the administration of this article shall not be undertaken in a manner which unreasonably discriminates among providers of functionally equivalent services or prohibits or has the effect of prohibiting the provision of wireless communications services. Furthermore, any decision to deny a request to place, construct, install, modify, and/or use wireless communications facilities shall be in writing and supported by substantial evidence contained in a written record. Furthermore, this article may not regulate the placement, construction, installation, modification and/or use of wireless communications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such wireless communications facilities comply with the Federal Communications Commission's regulations concerning such emissions.

§ 200-58. Applicability.

The provisions of other sections of this chapter of the Town Code notwithstanding, the regulations and restrictions set forth herein shall apply to the placement, construction, installation, modification, use, monitoring and removal of wireless communications facilities. No wireless communications facility shall be placed, constructed, installed, modified and/or used within the Town of Randolph on or after the date of enactment of this article, except in accordance with the provisions of this article. All wireless communications facilities shall require the issuance of a special permit. For the purposes of this article, the Town Council shall be the special permit granting authority.

§ 200-59. Definitions.

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

ABOVE MEAN SEA LEVEL (AMSL) — A uniform point from which height above sea level (or zero elevation) can be measured.

ANTENNA — The surface from which wireless radio signals are sent and received by a wireless communications facility, including, but not limited to, cross-polarized (or dual-polarized) antenna, omnidirectional (whip) antenna and panel antenna.

CAMOUFLAGED — A wireless communications facility that is disguised, hidden, part of an existing or proposed structure or placed within a preexisting or proposed structure is considered to be "camouflaged."

CARRIER — A company that provides wireless communications services.

CO-LOCATION — The use of a single mount on the ground by more than one (1) carrier (vertical co-location) and/or several mounts on a preexisting building by more than one (1) carrier.

CROSS-POLARIZED (OR DUAL-POLARIZED) ANTENNA — A low mount that has three (3) panels flush-mounted or attached very close to the shaft.

ELEVATION — The measurement of height above mean sea level.

ENVIRONMENTAL ASSESSMENT (EA) — The document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communications facility is placed in certain designated areas.

EQUIPMENT SHELTER — An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

FUNCTIONALLY EQUIVALENT SERVICES — Cellular, personal communications services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging.

GUYED TOWER — Any tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER — A type of mount that is self-supporting with multiple legs and crossbracing of structural steel.

LICENSED CARRIER — A company authorized by the FCC to construct and operate a commercial mobile radio service system.

MONOPOLE — The type of mount that is self-supporting with a single shaft of galvanized steel and a platform (or racks) for antennas.

MOUNT — The structure or surface upon which antennas are mounted, including the following four (4) types of mounts:

- A. Roof-mounted: mounted on the roof of a building.
- B. Side-mounted: mounted on the side of a building.
- C. Ground-mounted: mounted on the ground.
- D. Structure-mounted: mounted on a structure other than a building.

OMNIDIRECTIONAL (WHIP) ANTENNA — A thin rod that beams and receives a signal in all directions.

PANEL ANTENNA — A flat surface antenna, usually developed in multiples.

PCS — Personal communications services. Broadband radiowave systems that operate at a radio frequency in the 1850 to 1900 megahertz range.

PERSONAL WIRELESS SERVICES — Wireless telecommunications services regulated by the Federal Communications Commission (FCC) and defined as "personal wireless services" in Section 704 or other sections of the Federal Telecommunications Act of 1996 as amended, including, but not limited to, commercial mobile radio services, unlicensed wireless services, and common-carrier wireless exchange access services.

WIRELESS COMMUNICATIONS FACILITY — Facilities for the provision of wireless communications services, including, but not limited to, transmitting and receiving equipment; towers; poles; antennas; antenna structures and supports; and other equipment, equipment shelter, structures and installations accessory to such facilities.

RADIOFREQUENCY (RF) ENGINEER — An engineer specializing in electric or microwave engineering, especially the study of radio frequencies, who is a professional engineer registered to practice in the Commonwealth of Massachusetts.

RADIOFREQUENCY RADIATION (RFR) — The emissions from wireless communications facilities.

SCENIC VIEWPOINTS — Site lines of scenic, historic, environmental and natural or man-made resources as designated from time to time by the Town Council and/or Historical Commission as being of particular importance to the preservation of the character and appearance of the Town of Randolph.

SECURITY BARRIER — A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION — The distance between one (1) array of antennas and another array.

UTILITY — A system of wires or conductors and supporting structures that functions in the transmission of electrical energy or communications services (both audio and video) between generating stations, substations, and transmission lines or other utility services.

§ 200-60. Exemptions.

The following shall be exempt from the provisions of this article:

- A. Wireless communications facilities used only for Town or state public safety purposes.
- B. Wireless communications facilities used by a conforming, federally licensed amateur radio used in accordance with said FCC license as protected by MGL c. 40A, § 3, provided that:
 - (1) Any such wireless communications facility is not used or licensed for any commercial purpose; and
 - (2) Any mount used in connection with said federally licensed amateur radio use must be removed upon loss or termination of said FCC license.
- C. Television antennas, including so-called "dish antennas."
- D. Licensed commercial mobile radio services primarily used in support of the licensee's own business purpose, provided that (i) such services are not used as a dispatching or communications service for third parties and (ii) any wireless communications facilities used in connection therewith do not exceed the dimensional requirements under § 200-65. By way of example, but not limitation, exempt commercial mobile radio services would include such services used by a taxi or limousine company to communicate with its vehicles and repair, service, delivery, towing and fuel delivery companies to communicate with their respective vehicles.

§ 200-61. Prohibitions.

- A. All towers used in wireless communications facilities shall be constructed only of galvanized steel and shall be of a freestanding, monopole-type construction. No lattice-style towers or guyed towers shall be allowed or permitted.
- B. No advertising signs shall be allowed. No other signs shall be allowed, except in accordance with § 200-68B.
- C. Security barriers, as required by § 200-68C, around the wireless communications facilities shall not use razor wire, barbed wire, or similar types of material.

- D. The use of telephone and electric utility poles and structures as sites for wireless communications facilities is prohibited; except the use of electric utility transmission towers for which a special permit issued under this article is in effect shall be allowed, provided that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing wireless communications facility on which it is to be located.
- E. Wireless communications facilities are prohibited in Residential, Business, Business/Professional, Business HA, Multifamily and Sanitary Facility Districts.
- F. Wireless communications facilities may not be located on a nonconforming building or structure, unless said building or structure first obtains the necessary zoning relief to extend, alter or change the building or structure in accordance with MGL c. 40A, § 6, and the requirements of this article are satisfied.
- G. Ground-mounted equipment for wireless communications facilities shall not generate acoustic noise in excess of fifty (50) decibels at the security barrier. Roof-mounted or side-mounted equipment for wireless communications facilities shall not generate noise in excess of fifty (50) decibels at ground level at the base of the building as measured from the point closest to the antenna.

§ 200-62. Permitted locations.

Wireless communications facilities are permitted in Industrial Districts and on Town-owned property.

§ 200-63. General requirements.

- A. The applicant must demonstrate that the wireless communications facility is necessary for the applicant to provide adequate wireless communications services by that applicant to the public.
- B. If primary coverage [greater than fifty percent (50%)] from the proposed wireless communications facility is outside of the Town of Randolph, then the special permit granting authority may decline the special permit, unless the applicant demonstrates that it is unable to locate within the town which is primarily receiving service from the proposed wireless communications facility.
- C. A wireless communications facility may locate as of right on any monopole for which a special permit issued under this article is in effect, provided that the new facility shall first obtain site plan approval from the special permit granting authority and provided, further, that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing facility on which it is to be located unless such terms and conditions are amended or modified.

- D. The applicant must demonstrate to the special permit granting authority that the location of the proposed wireless communications facility complies with all of the requirements of this article and, furthermore, that the size and height of the proposed facility is the minimum necessary for its intended purpose, using topographical advantage where possible.

§ 200-64. Location requirements.

- A. If feasible, wireless communications facilities shall be located on or within existing structures, including but not limited to buildings, existing communications facilities, monopoles, and related structures, provided that such installation preserves the character and integrity of those structures. Notwithstanding the foregoing, the use of telephone and electric utility poles and structures as sites for wireless communications facilities is prohibited, except that the use of electric utility transmission towers for which a special permit issued under this article is in effect shall be allowed, provided that any new wireless communications facility shall not exceed the terms and conditions of the special permit in effect for the existing wireless communications facility on which it is to be located unless such terms and conditions are amended or modified.
- B. If the applicant demonstrates to the satisfaction of the special permit granting authority that it is not feasible to locate on a preexisting structure, the wireless communications facility shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to, use of compatible building materials and colors, screening, landscaping with natural and/or artificial plantings (as indicated through site plan review), and placement within trees.
- C. A wireless communications facility shall be set back from the property lines of the lot upon which it is located by a distance equal to the overall vertical height of the tower and any attachments plus five (5) feet. This provision may be waived by the special permit granting authority along any property line which abuts land owned by, or in the control of, the applicant or the owner/operator of the proposed structure.
- D. Except for structures that are accessory to the wireless communications facility, on any lot containing such wireless communications facility no structure shall be constructed or erected within five hundred (500) feet of said wireless communications facility. This provision may be waived by the special permit granting authority along any property line which abuts land owned by, or in the control of, the applicant or the owner/operator of the proposed wireless communications facility.
- E. The frontage requirements of a lot containing a wireless communications facility shall be those of the underlying zoning district.

- F. No wireless communications facility shall be erected or constructed within three hundred (300) feet of a traveled way, or within five hundred (500) feet of any habitable dwelling or business.

§ 200-65. Dimensional requirements.

A. Height.

- (1) Height of ground-mounted wireless communications facilities. No wireless communications facility shall exceed one hundred fifty (150) feet in vertical height above existing grade; provided, however, that at the discretion of the special permit granting authority a greater height may be permitted upon a demonstration that such additional height is technologically necessary for the provision of essential public safety telecommunications services. For purposes of the foregoing sentence, "essential public safety telecommunications services" shall be limited to such services as are required for transmission purposes by law enforcement, fire protection and civil defense agencies.
 - (2) Height of side-and roof-mounted wireless communications facilities. Side- and roof-mounted wireless communications facilities shall not project more than twelve (12) feet above the height of an existing building or structure nor project more than twelve (12) feet above the height limit of the zoning district within which the wireless communications facility is located, whichever is less.
 - (3) Height of preexisting structures. New antennas located on any of the following existing structures shall be exempt from the height restrictions of this article, provided that there is no increase in height of the existing structure as a result of the installation of a wireless communications facility: monopoles.
- B. Extensions from walls; extensions beyond the face of walls, side- and roof-mounted facilities. Side- and roof-mounted wireless communications facilities shall not extend beyond the face of any wall, or exterior surface in the case of a building or structure that does not have walls, by more than eighteen (18) inches.
- C. Setbacks; setbacks of preexisting structures. In the event that a preexisting structure is proposed as a mount for a wireless communications facility, the setback provisions of the underlying zoning district shall apply.
- D. Surface area. Side- and roof-mounted wireless communications facilities shall not individually or in the aggregate have a front surface area facing surrounding streets and adjacent properties that exceeds fifty (50) square feet in area.
- E. Flexibility. In reviewing an application for a wireless communications facility, the special permit granting authority may reduce the required

setback distance of the zoning district by as much as fifty percent (50%) of the required distance, if it finds that such reduction shall substantially better serve the purposes of this article. In making such a finding, the special permit granting authority shall consider both the visual and safety impacts of the proposed use.

§ 200-66. Design standards.

Wireless communications facilities shall be camouflaged as follows:

A. Camouflage by preexisting buildings or structures.

- (1) Camouflaging, roof-mounted. When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the wireless communications facility within or behind existing architectural features to limit its visibility from public ways. Wireless communications facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
- (2) Camouflaging, side-mounted. Wireless communications facilities which are side-mounted shall blend with the building's architecture and, if over five (5) square feet, shall be shielded with material which is consistent with the design features and materials of the building.

B. Camouflage by vegetation. If wireless communications facilities are not camouflaged from public viewing areas by existing buildings or structures, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted wireless communications facilities shall provide a year-round vertical evergreen vegetated buffer of fifty (50) feet, or seventy-five percent (75%) of the overall height of the structure, in all directions, whichever is less. Trees and vegetation may be existent on the subject property or installed as part of the proposed wireless communications facility or as combination of both. Vegetation should be natural in appearance and consistent with surroundings, and be reviewed and receive approval from the Town of Randolph Planning Department. **[Amended 4-23-2001 ATM by Art. 22, approved 12-21-2001]**

C. Color.

- (1) Wireless communications facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.
- (2) To the extent that a wireless communications facility extends above the height of the vegetation immediately surrounding it, it shall be painted in a light gray or light blue hue which blends with sky and clouds.

§ 200-67. Equipment shelters.

Equipment shelters for wireless communications facilities shall be designed consistent with one (1) of the following design standards:

- A. Equipment shelters must be located in underground vaults when reasonably practicable;
- B. Equipment shelters must be designed consistent with the traditional materials, color and design of the area; and
- C. Equipment shelters must be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence.

§ 200-68. Lighting, signage and security.

- A. Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment shelters and any other structures on site shall be shielded from abutting property.
- B. Signs shall be limited to the minimum number, size and type needed to identify the property and the owner and to warn of any danger. All signs are subject to review and approval by the Building Inspector, consistent with the purposes of this article.
- C. All ground-mounted wireless communications facilities shall be surrounded by a security barrier, which barrier shall comply with § 200-61C.

§ 200-69. Historic buildings.

- A. Any wireless communications facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
- B. Any alteration made to an historic structure to accommodate a wireless communications facility shall be fully reversible.

§ 200-70. Safety standards; radiofrequency radiation (RFR) standards.

All equipment proposed for a wireless communications facility shall comply with the FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) and any other applicable FCC guidelines and regulations.

§ 200-71. Application procedures.

- A. Preapplication conference. Prior to submission of an application for a special permit under this regulation, the applicant shall meet with the special permit granting authority at a public meeting to discuss

the proposed wireless communications facility in general terms and to clarify the filing requirements.

- B. Preapplication filing requirements. The purpose of the preapplication conference is to inform the special permit granting authority as to the preliminary nature of the proposed wireless communications facility. As such, no formal filings are required for the preapplication conference. However, the applicant shall prepare and present sufficient preliminary architectural and/or engineering drawings to inform the special permit granting authority of the location of the proposed wireless communications facility, as well as its scale and overall design.
- C. Hazards to air navigation.
 - (1) Any application for a wireless communications facility which proposes building a new structure or adding to existing structures within airport approaches as defined in MGL c. 90, § 35B, and any amendments thereto or language substituted therefor, must include a certification by the applicant that:
 - (a) Either a permit from the Massachusetts Aeronautics Commission is not required because the structure is or will be in an area subject to airport approach regulations adopted pursuant to MGL c. 90, §§ 40A through 40I, in an approach to Logan International Airport, or less than thirty (30) feet above ground level; or
 - (b) A permit from the Massachusetts Aeronautics Commission is required pursuant to MGL c. 90, § 35B, and a copy of said permit is enclosed with the application.
 - (2) Applications for permits to build a new structure or add to an existing structure requiring the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration shall mail a copy of the completed FAA Form 7460-1 to the Massachusetts Aeronautic Commission within three (3) business days after submitting said form to the FAA.

§ 200-72. Application filing rules and regulations. [Amended 5-9-2011 by Ord. No. 2010-046]

The applicant shall comply with the application filing requirements as may be established by rule or regulation of the special permit granting authority, including that all applications made to a SPGA shall identify the owner of the property and the applicant, and their interests in the property. A purchase and sale agreement, lease agreement, or letter of intent may be submitted to satisfy this requirement. No application shall be considered complete until this requirement is met.

§ 200-73. Water tower or reservoir sites.

The Town of Randolph's water towers and reservoirs represent a large public investment in water pressure stabilization and peak capacity reserves. Protection of the quality of the Town's water supply is of prime importance to the Town. As access to the Town's water storage systems increases, the potential for contamination of the public water supply also increases. For these reasons, an applicant that seeks to place, construct, or modify a wireless communications facility on water tower or reservoir sites must demonstrate the following:

- A. The applicant's access to the wireless communications facility will not increase the risks of contamination to the Town's water supply;
- B. There is sufficient room on the structure and/or the ground to accommodate the applicant's wireless communications facility;
- C. The presence of the wireless communications facility will not increase the water tower maintenance cost to the Town; and
- D. The presence of the wireless communications facility will not be harmful to the health of workers maintaining the water tower or reservoir.

§ 200-74. Co-location.

- A. Licensed carriers shall share wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of wireless communications facilities that are standalone structures. All applicants for a special permit for a wireless communications facility shall demonstrate a good faith effort to co-locate with other carriers, by providing:
 - (1) A survey of all preexisting wireless communications facilities that may be feasible sites for co-locating wireless communications facilities;
 - (2) Evidence of contact with all other licensed carriers for commercial mobile radio services operating in the Commonwealth of Massachusetts; and
 - (3) Evidence of sharing information with all other licensed carriers necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- B. An applicant shall demonstrate to the special permit granting authority that it has made a good faith effort to co-locate its wireless communications facility upon an existing wireless communications facility. The Town may retain a technical expert in the field of RF engineering and/or a structural engineer to verify if co-location at the site is not feasible or is feasible given the design configuration most

accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.

- C. If the special permit granting authority grants a special permit for collocated wireless communications facilities, the special permit shall state how many wireless communications facilities of what type shall be permitted on that site. Subject to § 200-63, wireless communications facilities to be located on an existing monopole for which a special permit issued under this article is in effect shall require no further zoning approval. The addition of any wireless communications facilities not specified in the approved special permit, however, shall require a new special permit.
- D. In order to determine compliance with all applicable FCC regulations, estimates of RFR emissions will be required for all wireless communications facilities, including proposed and future wireless communications facilities both for the applicant and all co-locators.

§ 200-75. Monitoring and maintenance.

- A. Upon issuance of a special permit under this article and after the wireless communications facility is in operation, the applicant shall submit to the Building Inspector, within ninety (90) days of beginning operations, and on each anniversary date of issuance of the Special permit, preexisting and current RFR measurements. Such measurements shall be signed and certified by an RF Engineer, registered as a professional engineer in the Commonwealth of Massachusetts, stating that the RFR measurements are accurate and whether they are in compliance with FCC Guidelines and, if they are not in compliance, how the measurements fail to comply with all applicable FCC Guidelines as specified in § 200-70. The measurements shall be submitted for both the applicant and all co-locators.
- B. Upon issuance of a special permit under this article and after the wireless communications facility is in operation, the applicant shall submit to the Building Inspector, within ninety (90) days of the issuance of the special permit, preexisting and current measurements of acoustic noise from the wireless communications facility. Such measurements shall be certified and signed by an acoustical engineer, registered as a professional engineer in the Commonwealth of Massachusetts, stating that noise measurements are accurate and whether they meet the noise standards of § 200-61G and, if they are not in compliance, how they fail to comply.
- C. The applicant and co-applicant shall maintain the wireless communications facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity, landscaping and general cleaning of the site.
- D. Failure by the applicant to provide the information required in this section shall result in a fine imposed on the applicant of \$300 for

each offense. Each day that such violation continues shall constitute a separate offense.

§ 200-76. Abandonment or discontinuance of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communications facility, such carrier will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use, including but not limited to removal of tower, antennas, mount, equipment shelter(s) and security barriers from the subject property, proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations, and restoration of the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the "after" condition approved by the special permit granting authority in connection with the grant of the special permit.
- C. As a condition of any special permit for the placement, construction, installation or modification of a wireless communications facility, a carrier shall place into escrow a sum of money, to be determined by the special permit granting authority, to cover the costs of removing the wireless communications facility from the subject property, necessary funds to be held by an independent escrow agent to be jointly appointed by the carrier and the special permit granting authority. The carrier shall authorize and, as necessary, shall obtain the authorization of the owner of the property, to allow the escrow agent to enter upon the subject property to remove the wireless communications facility when the wireless communications facility has been abandoned or discontinued.
- D. A wireless communications facility shall be deemed to be abandoned or discontinued if it has not been used for the purpose for which it was originally constructed for a period of six (6) months or more. In the event that the carrier fails to remove the wireless communications facility, in accordance with Subsection B, above, the Town shall give notice to the carrier and the independent escrow agent that the wireless communications facility shall be removed by the escrow agent forthwith and the escrow agent, after affording written notice seven (7) days in advance to the carrier, shall remove the wireless communications facility.
- E. Failure to follow the provisions of this section shall result in a fine of \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 200-77. Reconstruction or replacement of preexisting nonconforming facilities.

Wireless communications facilities that were in existence at the time of the adoption of this article may be reconstructed, altered, extended or replaced pursuant to special permit, provided that the special permit granting authority finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the preexisting nonconforming structure. In making such a determination, the special permit granting authority shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

§ 200-78. Performance guarantees.

- A. Upon issuance of a special permit, the applicant shall procure insurance in a reasonable amount determined and approved by the special permit granting authority after consultation, at the expense of the applicant, with one (1) or more insurance companies to cover damage from the structure, damage from transmissions and other site liabilities. On each anniversary date of the issuance of the special permit, the applicant shall file proof of insurance with the Building Inspector.
- B. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute shall be filed with the Building Inspector by the applicant.

§ 200-79. Term of special permit.

- A. A special permit issued under this article shall be in effect for two (2) years and may be renewed pursuant to the same criteria as applied to the original special permit, provided that the application for renewal of the special permit is made thirty (30) days prior to the expiration date of the original or any renewed special permit.
- B. A special permit issued under this article shall lapse if substantial use or construction has not commenced within one (1) year of the date of issuance. Construction pursuant to a special permit, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the special permit following the same procedure and under the same criteria as applied to the original grant of a special permit.

§ 200-80. Fully enclosed facilities.

Notwithstanding anything to the contrary contained in this article, wireless communications facilities installed wholly within, and not protruding from, the interior space of an existing structure, excluding buildings used for residential use, shall be allowed as of right in all zoning districts, subject to all other applicable bylaws and regulations of the Town and the following sections of this article: §§ 200-67, 200-68, 200-69, 200-70, 200-71, 200-72, 200-74, 200-75, 200-76, 200-78, 200-79 and 200-82.

§ 200-81. Severability.

The provisions of this article are severable, and the invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.

§ 200-82. Fee schedule.

The applicant shall pay a fee to the Town with its application in an amount to be determined by rule or regulation of the special permit granting authority.

§ 200-83. Quality of life issues. [Added 4-23-2001 ATM by Art. 20, approved 12-21-2001]

(Reserved)

§ 200-84. through § 200-89. (Reserved)

ARTICLE XI

Site Plan and Design Review

[Added 5-3-1999 ATM by Art. 6, approved 8-23-1999; amended 12-19-2011 by Ord. No. 2011-009; 12-2013 by Ord. No. 2013-047]

§ 200-90. Purpose and intent.

- A. The purpose of site plan and design review is to provide community guidelines to create safer, more efficient, pedestrian-friendly projects with human-scale orientation to preserve and enhance the Town's cultural, economic and historic resources by providing a review process to evaluate the design and function of developed sites and the appearance of structures which may impact Town resources and community character.
- B. The review procedures are intended to:
- (1) Provide a predictable and timely development review process to evaluate proposed site design layouts and site improvements on a parcel or group of parcels;
 - (2) Enhance the social and economic viability of the Town by preserving property values, and promoting the attractiveness of the Town as a place to live, visit, and shop.
 - (3) Integrate projects more effectively into the surrounding environment and provide a review process for land use changes, and changes in the appearance of structures, sites, and signage.
 - (4) Encourage attractive development based on good design. Good design encourages clearly defined entryways, articulated rooflines to prevent monotony, pedestrian amenity areas, and concealment of unsightly mechanical structures from public view.
 - (5) Encourage efficient, pedestrian-oriented design which effectively resolves the incompatibility between pedestrians and motorists while providing interconnectivity between buildings, parking areas and other internal/external components.
 - (6) Encourage parking lot design which meets vehicular needs, while providing safe, efficient, comfortable pedestrian flow.
 - (7) Encourage adequate landscaping that provides screening and shade for public benefit.
 - (8) Encourage enhanced lighting design, to avoid forms of nuisance and intrusiveness into adjacent area, while enhancing public safety.
 - (9) Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance.
 - (10) Promote alterations that are compatible with the existing environment and that are not inferior in quality or appearance.

- (11) Ensure reasonable use of property and design development consistent with the provisions of the Randolph Zoning Bylaws.

§ 200-91. Applicability.

There are four (4) tiers of site plan and design review depending on the type of use or activity and the scope of the project. The applicant shall meet all conditions imposed by the site plan and design review process prior to the issuance of a building or sign permit except for those conditions that are intended to be satisfied during construction or later.

A. Tier 1: Administrative Site Plan and Design Review. Conducted by the Planning Board's designee(s); a public meeting or hearing is not required. The designee may refer the project to the Planning Board if it is the determination of the designee that the potential impacts of the project require review by the Planning Board. The applicant may also request a Planning Board review. The thresholds for this review are:

- (1) Additions to a structure totaling less than or equal to two thousand five hundred (2,500) square feet to an existing nonresidential structure, which affect the exterior appearance of a structure or site.
- (2) Additional parking and parking lot design.
- (3) Modifications to the exterior of a nonresidential building, mixed-use structure or multifamily dwelling, including:
 - (a) Changes to color.
 - (b) Removal of trees greater than two (2) inches in caliper.
 - (c) Removal of hedges and living shrubs.
 - (d) Alterations, demolitions, removal or construction affecting the architectural appearance of the structure(s), signs or the site (This includes changes to existing sign types and faces.).

B. Tier 2: Planning Board Site Plan and Design Review. Conducted by the Planning Board at a regularly scheduled or special meeting, with notice given to the public and the Town Council. The thresholds for this review are:

- (1) All new nonresidential structures less than or equal to seven thousand five hundred (7,500) square feet. **[Amended 7-28-2014 by Ord. No. 2014-013]**
- (2) Additions between two thousand five hundred one (2,501) square feet and seven thousand five hundred (7,500) square feet to all structures which affect the exterior appearance of a structure or site.

C. Tier 3: Permit of Use by Town Council. Conducted by the Town Council at a regularly scheduled or special meeting. The thresholds for this review are:

- (1) All uses noted as "PTC" on the Table of Allowable Activity.¹³⁷
- (2) The Council may refer the project to the Planning Board or the Planning Board's designee(s) if it is the determination that the proposed use includes modifications to the site that meet the threshold standards in Tier 1, 2 or 4.

D. Tier 4: Public Hearing with Site Plan and Design Review.

- (1) There are three (3) categories of projects for which the site plan and design review will be conducted at a noticed and advertised public hearing:
 - (a) Any uses that require the granting of a special permit by the Planning Board, noted as "SPPB" in the Table of Allowable Activity.¹³⁸ This includes all new two-family dwellings and conversion to a two-family dwelling.
 - (b) Any uses that require the granting of a special permit by the Town Council, noted as "SPTC" in the Table of Allowable Activity.
 - (c) Projects that meet the following thresholds:
 - [1] New nonresidential structures over seven thousand five hundred one (7,501) square feet.
 - [2] Additions to existing structures over seven thousand five hundred one (7,501) square feet.
- (2) A structure shall not be limited to a "building" but shall include buildings, canopies, outbuildings and the like, and the total of these shall be used in the calculation.

§ 200-92. Special permits.

- A. Special permits authorized by the Planning Board. When an activity or use requires site plan and design review and one (1) or more special permits granted by the Planning Board, then a public hearing pursuant to the provisions of MGL Chapter 40A and this chapter shall be held. Applications for site plan and design review and the special permit(s) shall be considered concurrently.
- B. Special permits authorized by the Town Council. When an activity or use requires site plan and design review and one (1) or more special permits granted by the Town Council, the Town Council will hold a

¹³⁷Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

¹³⁸Editor's Note: The Table of Allowable Activity is included as an attachment to this chapter.

public hearing pursuant to the provisions of MGL Chapter 40A and this chapter. Dependent upon the outcome of such hearing, the Planning Board will then consider the site plan review and design review application.

- C. Submission requirements for special permits shall be as specified in this chapter, procedural rules of the Planning Board or Town Council, and policies and procedures as adopted by the Planning Board and the Town Council.
- D. The Planning Board, in its policies and procedures, shall establish standards for special permit approval consistent with Article VIII of this chapter.

§ 200-93. Procedures.

- A. Applications and plans for site plan and design review shall be submitted to the Planning Board and shall be prepared in accordance with the provisions of this chapter and with the Planning Board policies and procedures. Applicants are encouraged to contact the Planning Director to schedule a preapplication meeting to review the detailed submission requirements prior to applying for site plan and design review.
- B. The Planning Board shall forward a copy of all applications to the Town Council upon receipt.
- C. As directed by the Planning Board and/or its designee(s), an applicant shall supply the technical data and study results to support the site plan and resulting findings.
- D. In accordance with MGL c. 44, § 53G, the Planning Board may require that applicants pay the reasonable cost (project review fee) for the employment of outside consultants to review a proposed site plan and/or an as-built plan. The Planning Board may use the project review fee to engage experts, other than attorneys, as outside consultants to assist the Board in its technical evaluation of a site plan and/or an as-built plan.
- E. Copies of the application and site plan will be circulated for review and comment to the appropriate Town departments or commissions, including Town Council. Town departments will have fifteen (15) days to forward comments to the Planning Board.
- F. Abutter notification shall take place in Tier 4 projects.
 - (1) Abutters shall be notified by certified mail, return receipt requested, not less than fourteen (14) days prior to the hearing date.
 - (2) Abutters shall be:
 - (a) Those abutters to the site.

- (b) Abutters to abutters within three hundred (300) feet of the subject property.
 - (c) Adjacent communities of Avon, Braintree, Canton, Holbrook, Milton, Quincy, Stoughton.
 - (3) Applicants shall obtain a certified list of abutters from the Assessor's Office.
 - (4) The certified list shall be provided to the Planning Office at least three (3) days prior to the hearing date.
 - (5) Proof of notification shall be required for a public hearing.
- G. All projects that require Planning Board/Town Council review must place a "notification placard" at the site location, to be seen by the public on the frontage of a public street, for not less than fourteen (14) days prior to the hearing/meeting.
- (1) Notification placards shall be provided by the applicant at his/her expense.
 - (2) The placard shall be thirty-six (36) inches by thirty-six (36) inches and made of a rigid material.
 - (3) The placard must be legible for the entire display period.
 - (4) The placard shall be secured to a steel fencepost Model #901158A (as sold at Home Depot).
 - (5) The post shall be five (5) feet by three and one-half (3 1/2) inches by one and one-half (1 1/2) inches to allow eighteen (18) inches' embedment into the ground allowing the placard to be viewed from the street at a distance of not more than ten (10) feet.
 - (6) The wording on the placard shall be as follows:

Planning Board or Town Council Public Hearing Special Permit
Date/Time of Hearing
Town Hall
41 South Main Street

For More Information www.randolph-ma.gov
- H. The Planning Board, Town Council or its designee(s) shall review and act upon the applications and may require conditions necessary to satisfy the review standards and maintain the intent of each zoning district.
- (1) Tier 1: A report of the Planning Board designee's decision/findings shall be forwarded to the Planning Board for review and Town Council for notice within five (5) days of decision/finding.

- (2) Tier 2: The Planning Board, voting as a simple majority, or its designee(s) shall render a decision within forty-five (45) days of a complete accepted application, unless extended by mutual agreement. A copy of a written decision shall be sent to the Town Clerk's Office, Building Department, Town Council and the applicant. Failure of the Planning Board or its designee(s) to act within forty-five (45) days of a complete accepted application shall be deemed an approval.
- (3) Tier 3: The Town Council, voting as a simple majority, shall render a decision within forty-five (45) days of a complete accepted application, unless extended by mutual agreement. A copy of the written decision shall be sent to the Town Clerk's Office, Building Department and the applicant.
- (4) Tier 4: The Planning Board will hold a public hearing within sixty-five (65) days of receipt of a complete accepted application. The public hearing requirements of MGL c. 40A, § 11, shall be followed.

§ 200-94. Standards and criteria.

The Planning Board or its designee(s) shall review all site plans and projects to assess compliance, to a degree consistent with the site for the permitted use and is permissible by the regulations of the zoning district in which it is located. The project is expected to conform to all provisions of this chapter, including meeting the criteria for granting any permit or special permit and all applicable Planning Board policies and procedures. Based on the scope of the project, the Planning Board or its designee(s) may waive specific standards and criteria that do not apply to a given project. Alternatively, an applicant may request a waiver in writing for standards and criteria that do not apply. Any requested waivers shall be forwarded to the Planning Director for review and appropriate action will be taken by either the Planning Board or its designee(s).

A. Site development standards:

- (1) Preserves significant natural features.
- (2) Ensures adequate methods for sewerage, refuse and other wastes resulting from the uses on the site.
- (3) Provides stormwater management that allows for adequate drainage and surface water from the site, including stormwater treatment.
- (4) Ensures that utility connections are adequate and are connected from underground.
- (5) Parking meets the requirements of this chapter.

B. Design standards.

- (1) To promote the thoughtful design or redesign of buildings within the Town of Randolph, the design or redesign of buildings in Randolph shall acknowledge and respect the surrounding existing patterns of development and the Town's desired development patterns, open space and natural resources according to design principles including:
 - (a) Enhancing the open space between existing and proposed buildings.
 - (b) Promoting the visual and functional quality of the surrounding neighborhood.
 - (c) Promoting pedestrian-friendly scales that link the development to the surrounding buildings, neighborhood and natural environment.
 - (d) Providing buildings in scale and in proportion to the adjacent existing structures, open space and natural and man-made environment.
 - (e) Visually relating proposed buildings to their surroundings with respect to:
 - [1] Height.
 - [2] Street facade.
 - [3] Materials, texture and color.
 - [4] Human scale.
 - [5] Quality and quantity of open space.
 - [6] Natural environment.
 - [7] Spacing of buildings and signs.
 - [8] Building proportions.
 - [9] Quality of open space and land.
 - [10] Handicapped pedestrian access.
- (2) Projects must meet the following building and site design criteria:
 - (a) Facades.
 - [1] No uninterrupted and/or unadorned length of any portion of a facade shall exceed thirty (30) linear feet (This measurement shall not apply to portions that are not visible to the public.). Interruptions of such continuous lengths of the facade shall include wall plane projections and/or recesses of not less than six (6) inches in offset, and one (1) or more of the following architectural features:

- [a] Pilasters;
 - [b] Columns;
 - [c] Canopies/Porticos;
 - [d] Arcades/Colonnades; and/or
 - [e] Parapets and windows.
- [2] All facades shall include repeating patterns at intervals of no more than thirty (30) linear feet, horizontally or vertically. Such repeating patterns shall include:
- [a] Windows.
 - [b] Color, texture, material module changes; and/or
 - [c] Surface modeling changes such as offsets, reveals, or ribs no less than twelve (12) inches in width and one (1) inch in depth.
- (b) Materials and colors.
- [1] Industrial and/or utility grade metal wall panels, used as a finished material, shall be prohibited on facades. Metal doors, including overhead doors, are allowed where appropriate. Architectural metal panels and metal roofs are acceptable, as subject to the determination of the Planning Board or its designee(s) that the treatment meets the intent of this section.
 - [2] Smooth-faced concrete or smooth-faced masonry units on facades shall have a decorative finish. Tilt-up concrete panels, prefabricated steel panels, or other similar non-glass smooth-surfaced panels shall not be exposed.
 - [3] The color palette is to be muted and consistent with buildings in the surrounding area.
 - [4] Colors chosen for signage are to be restricted to three (3) colors.
 - [5] Colors for buildings, signage or other site features to be approved by the Planning Board or its designee(s).
- (c) Entryways. Entrances shall be clearly defined and include at least two (2) of the following features: canopies/porticos, overhangs, recesses/projections, arcades, raised above-the-door cornice parapets, peak roof form, arches, outdoor patios, display windows, integrated architectural details such as tile work, moldings, planters or wind walls and/or landscaped sitting areas; and must be consistent with adjacent buildings and community features.

(d) Roof treatments.

[1] Buildings are required to have variations in the roofline and the roof features that are consistent with the building's mass and scale and with the surrounding buildings.

[2] Rooftop equipment and heating, ventilation, air-conditioning (HVAC) units shall be concealed from public view.

(e) Pedestrian circulation. All projects shall be pedestrian-oriented through design features that enhance pedestrian safety, efficiency, and connectivity, with a clear definition between vehicular areas and pedestrian walkways.

[1] Sidewalks. Pedestrian connectivity between the project building entrances and parking areas, public sidewalks, outparcel buildings, and transit stops shall be clearly indicated through the use of landscaped areas and sidewalks which are made of materials such as scored concrete, pavers or bricks. All customer entrances shall include sidewalks along the full length of the facade.

[2] Pedestrian amenity areas. All projects shall include design features such as pedestrian amenity areas, which should include well-landscaped sitting areas with design components such as seating elements and/or other amenities in shaded areas.

(f) Parking areas. Parking lots and access aisleways shall be designed utilizing the following standards:

[1] Parking lot design. Vast, unbroken parking lots are prohibited. Parking areas shall be designed to be broken up with landscape islands, pedestrian walkways, significant landscaping or geographic features and/or by the design components of the proposed building. Parking lot landscape islands shall include pedestrian amenities where appropriate to facilitate pedestrian connectivity.

[2] Alternative parking lot designs incorporating natural resources are encouraged, subject to review by the Planning Board or its designee(s).

[3] Parking spaces. The number of parking spaces shall be determined in accordance with § 200-22 of this chapter and the Table of Dimensional Requirements.¹³⁹ Each parking space in excess of the minimum shall require

139Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

additional landscaped areas of at least ten (10) square feet to be placed within the internal parking area and/or right-of-way buffer.

- [4] Parking spaces shall be broken into groups of ten (10) or less with a requirement of two hundred (200) square feet of planted area for every one thousand (1,000) square feet of parking area. The planting area is to be located internal to the parking area. Landscape islands and medians may be used to meet this requirement.
 - [5] Parking lots, loading areas, storage areas, dumpsters, refuse collection and storage areas, and service areas shall be screened from view, from all public rights-of-way and all adjacent properties, by the use of landscaping buffers, berms, natural contours, fences or a combination of the above. Alternative designs will be reviewed on a case-by-case basis by the Planning Board or its designee(s) to establish if the feature(s) meets the intent of this section.
- (g) General landscaping requirements. The following landscaping standards shall be incorporated into the design of all projects:
- [1] Sod alone does not qualify as landscaping. All required landscaping must contain plants other than sod grasses, which may include shrubs, ornamental grasses, flowers, evergreens and trees.
 - [2] Preservation and protection of existing native species of plant material is strongly encouraged. Existing native species and natural cover should be retained wherever possible. Where planting requirements for landscaped areas result in the need to add additional trees or shrubs in an existing natural area, there shall be minimum disturbance to native species.
 - [3] Landscaping should be provided along and against all buildings to anchor it to the surrounding environment and to soften the structure. In-ground landscaping should comprise the majority of the landscaping requirements. Raised planters are acceptable when designed to accentuate the architecture and/or enhance pedestrian areas.
 - [4] Dense landscaping and/or architectural treatments should be provided to screen unattractive views and features.
 - [5] Screening could be accomplished by employing fences made of good-quality materials such as wood, steel, cast iron, with brick or stone masonry elements. The use of chain-link fence visible from public areas is strongly

discouraged and requires approval of the Planning Board or its designee(s).

- [6] As listed in the Table of Dimensional Requirements,¹⁴⁰ a landscaping buffer is required along any property line that is adjacent to a public right-of-way. The buffer shall be planted with shrubs, grass, and trees. Trees are to be planted based on standards delineated in Subsection B(2)(h) of this section.
- [7] A landscaping buffer no less than forty (40) feet wide, or as defined in § 200-33, should be provided to screen commercial and industrial uses from residential properties. The buffer should offer a minimum of sixty percent (60%) opacity. This may require larger quantities of plantings or the use of more mature plants.
- [8] Landscaping should minimize potential erosion through the use of plant materials which aid in soil stabilization.
- [9] Installation of all plant material shall conform to standard acceptable horticultural practices.
- [10] Where berms are used within a landscaped area, slopes shall not exceed thirty degrees (30°) and shall be completely covered with vegetation.
- [11] Maintenance of all landscaped areas shall be the sole responsibility of the property owner. Failure to maintain plantings and other features of the required landscaping areas in an attractive and healthy state shall be considered a violation of this chapter and subject to § 200-42.
- [12] All landscaping material shall meet the requirements of the clear sight area § 200-32 of this chapter.
- [13] For projects that are existing nonconforming uses or where existing development prevents strict compliance with this section, alternative design may be allowed at the discretion of the Planning Board or its designee(s).

(h) Landscape planting requirements.

- [1] Along roadways. A landscaped buffer area according to the Table of Dimensional Requirements¹⁴¹ shall be established adjacent to any public road. The buffer area shall be a continuous area (except for approved accessways) planted with grass, shrubs and shade trees.

¹⁴⁰Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

¹⁴¹Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

- [a] Plants shall be sound, vigorous, free from mutilation, plant disease, insect pests or their eggs, and fungus and shall have healthy, normal root systems. Plants shall be nursery-grown stock in containers or freshly dug, balled and burlapped.
 - [b] Trees shall be placed every ten (10) feet along the roadway.
 - [c] Deciduous trees shall be at least two (2) inches in caliper as measured six (6) inches above the root ball at the time of planting.
 - [d] Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting.
 - [e] Evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - [f] Shrubs and hedges shall be at least thirty (30) inches in height at the time of planting and have a spread of at least eighteen (18) inches.
 - [g] Any plantings that do not meet the established standards must be reviewed by the Planning Board or its designee(s).
- [2] Property lines. On all property lines, a landscaped buffer shall be provided and maintained as specified in § 200-33 and the Table of Dimensional Requirements.¹⁴²
- [a] The landscaped buffer shall be maintained by the owner of the property.
 - [b] The buffer shall consist of shrubs and trees of a species common to the area and appropriate for screening.
 - [c] Plants shall be sound, vigorous, free from mutilation, plant disease, insect pests or their eggs, and fungus and shall have healthy, normal root systems. Plants shall be nursery-grown stock in containers or freshly dug, balled and burlapped.
 - [d] Trees shall be placed every ten (10) feet within the buffer.
 - [e] Deciduous trees shall be at least two (2) inches in caliper as measured six (6) inches above the root ball at the time of planting.

142Editor's Note: The Table of Dimensional Requirements is included as an attachment to this chapter.

- [f] Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting.
 - [g] Evergreen trees shall be a minimum of eight (8) feet in height at the time of planting.
 - [h] Shrubs and hedges shall be at least thirty (30) inches in height at the time of planting and have a spread of at least eighteen (18) inches.
 - [i] Any plantings that do not meet the established standards must be reviewed by the Planning Board or its designee(s).
 - [j] Plantings shall be sized and spaced to minimize visual intrusion.
- [3] Within the lot:
- [a] Large maturing trees shall be placed no closer than thirty-five (35) feet on center.
 - [b] Smaller maturing trees shall be placed no closer than twenty (20) feet on center.
 - [c] When spacing is limited or to achieve a certain effect, closer spacing may be considered. This applies to locations where large maturing evergreens are being used as a screen.
- (i) Outdoor lighting. Outdoor lighting is desirable where it will provide a sense of security, identify a street name or number or the edge of a walkway, cast an attractive shadow, and encourage use in a public area. However, illumination beyond the property boundaries shall not be allowed. Excessive lighting can create a harsh nighttime environment and interfere with a neighbor's privacy.
- [1] Design lighting so that only the necessary brightness and distribution is used. Avoid wide zones of intense light. All lighting should be shielded, hooded and directed internal to the property.
 - [2] Any malfunctioning lighting shall be promptly repaired or replaced.
 - [3] Fixtures in pedestrian areas should be ten (10) feet to fifteen (15) feet in height and forty (40) feet to sixty (60) feet apart, depending on light level and visual impact desired.
 - [4] Light fixtures in areas with vehicular traffic should be appropriate for the area and traffic flow. However, the

height of the light fixtures should not exceed the height of the adjacent buildings.

- [5] All locations of lighting fixtures and specification for lighting fixtures are to be approved by the Planning Board or its designee(s). In some instances, lighting plans may be required by the Planning Board or its designee(s).
- [6] Sign illumination is permitted between the hours of 7:00 a.m. and 11:00 p.m., except that signs of retail establishments may be illuminated during any hours they are open to the public as defined in § 200-54F(1).

§ 200-95. As-built plans.

If the Planning Board or its designee has required an as-built plan as a condition of site plan and design review approval, no permanent occupancy permits shall be issued for any building or structure, or portion(s) thereof, until the following requirements have been met. A temporary occupancy permit may be granted if an applicant can demonstrate just cause.

- A. The as-built plan shall be prepared by a Massachusetts registered professional land surveyor. The plan shall verify all above- and belowground improvements that were a part of the site plan approval. Any improvements that were specifically designed by a registered professional civil, structural, traffic, acoustic or other engineer shall include an affidavit attesting that the improvements were constructed and functioning as approved.
- B. The Planning Board or its designee shall verify that the work performed conforms to the approved site plan, including all conditions included as part of the approval. The Board may engage the services of an outside consultant, pursuant to MGL c. 44, § 53G (see § 200-94 above), to certify that site plan approval conditions have been met.
- C. The Planning Board or the Planning Board's designee may require security to be posted for any unfinished work. The security shall be posted with the Town Treasurer in the form of a certified check or bank check. The amount of security will be set by the Planning Board or its designee. A date by which the work is to be completed will be established by the Planning Board or its designee and will be noted on the temporary occupancy permit.

§ 200-96. Changes to approved site plan.

For the purposes of this section, an "approved site plan" shall mean any previously approved Tier 1, Tier 2, Tier 3 or Tier 4 approval. All requests for modifications shall be forwarded to Town Council upon receipt.

- A. Tier 1.

- (1) Proposed modifications to a Tier 1 review shall be submitted to the Planning Board's designee in writing.
- (2) Modified site plans will, in most instances, be subject to the same review and approval procedures unless said modification triggers an additional level of approval.

B. Tier 2.

- (1) Proposed modifications to a Tier 2 approval shall be submitted to and reviewed by the Planning Board's designee.
- (2) Modified site plans will, in most instances, be subject to the same review and approval procedures.
- (3) For minor modifications, the designee of the Planning Board may determine that a particular modification does not warrant an additional public hearing. A determination that a modification will not require a public hearing shall be made by the Planning Board at its next regularly scheduled meeting after such request is made in writing. The determination shall state that the proposed modification is not significant and is consistent with the previously approved site plan.
- (4) Failure by the Planning Board to act on the request for determination of a modification within fourteen (14) days shall be deemed as approved.

C. Tier 3.

- (1) Proposed modifications shall trigger the appropriate Tier 1, 2, 3 or 4 review in accordance with § 200-91.

D. Tier 4.

- (1) Proposed modifications to a Tier 4 approval shall be submitted to the Planning Board in writing.
- (2) Modified site plans will, in most instances, be subject to the same review and approval procedures.
- (3) For minor modifications, the Planning Board may determine that a particular modification does not warrant an additional public hearing. A determination that a modification will not require a public hearing shall be made by the Planning Board at its next regularly scheduled meeting after such request is made in writing. The determination shall state that the proposed modification is not significant and is consistent with the previously approved site plan.
- (4) Failure by the Planning Board to act on the request for determination of a modification within fourteen (14) days shall be deemed as approved.

§ 200-97. Appeals.**A. Tier 1.**

- (1) Within fourteen (14) days, any person aggrieved by a Tier 1 decision may appeal to the Planning Board.
- (2) The special permit granting authority (SPGA) must file a written decision with the Town Clerk within fourteen (14) days, pursuant to MGL c. 40A, § 17.
- (3) Appeals must be filed within twenty (20) days after the date the decision was filed with the Town Clerk.

B. Tier 2.

- (1) Any person aggrieved by a Tier 2 decision may appeal said decision to the Randolph Zoning Board of Appeals.
- (2) The special permit granting authority (SPGA) must file a written decision with the Town Clerk within fourteen (14) days, pursuant to MGL c. 40A, § 17.
- (3) Appeals must be filed within twenty (20) days after the date the decision was filed with the Town Clerk.

C. Tier 3.

- (1) Any person aggrieved by a Tier 3 decision may appeal said decision to Norfolk Superior Court in accordance with MGL c. 40A, § 17.
- (2) The special permit granting authority (SPGA) must file a written decision with the Town Clerk within fourteen (14) days, pursuant to MGL c. 40A, § 17.
- (3) Appeals must be filed within twenty (20) days after the date the decision was filed with the Town Clerk.

D. Tier 4.

- (1) Any person aggrieved by a Tier 4 decision may appeal said decision to Norfolk Superior Court in accordance with MGL c. 40A, § 17.
- (2) The special permit granting authority (SPGA) must file a written decision with the Town Clerk within fourteen (14) days, pursuant to MGL c. 40A, § 17.
- (3) Appeals must be filed within twenty (20) days after the date the decision was filed with the Town Clerk.

§ 200-98. Planning Board designee(s).

- A. The Planning Board may designate the Planning Director or Design Advisory Team (DAT) to assist in the review of any project that requires site plan and design review pursuant to §§ 200-90 through 200-100

at a regularly scheduled public meeting where public notice has been provided to administratively review projects in accordance with this article.

- B. The DAT may include one (1) or more Planning Board members, professional architect(s); landscape architect(s), design-related professionals, engineering specialists, members of the Historical Commission, business owners, residents and others. It will provide advisory review assistance to the Planning Board and submit a written report of findings/opinions. At the direction of the Planning Board, a project applicant may be required to meet with the DAT to discuss resolution of design concerns.

§ 200-99. Policies and procedures.

The Planning Board shall adopt, after public notice and hearing, policies and procedures to implement the provisions of this article. The procedures shall allow for delegating administrative site plan review and design review for certain types of projects, consistent with this chapter.

§ 200-100. Fees.

The Planning Board may establish fees to be paid to the Town of Randolph for site plan review and design review; this fee is separate from any fee paid for project review fee under MGL c. 44, § 53G. No application is deemed complete unless such fees have been paid.

Chapter 300**FEES****§ 300-1. Code fees.**

Section	Fee	Fee Amount
Chapter 73, Alarm Systems		
§ 73-8A	Initial connection of master box to municipal system	\$100
§ 73-8B	Annual fee for connection to municipal system	\$100
§ 73-9B	Annual fee, central station	\$200
Chapter 79, Animals		
§ 79-4B(3)	Annual License Fee	\$15 spay/neutered, \$20 male/female
§ 79-4B(8)	Tag replacement fee	\$3
§ 79-4F	Transportation charge for pick up of deceased or injured animals	\$75
§ 79-4G	Pickup of deceased or injured animals	\$25-\$50 depending on weight of the animal
§ 79-7G	Vicious dog licensing	\$50 in addition to regular licensing fee
Chapter 83, Building Construction		
§ 83-2D	Annual registration of abandoned and dilapidated buildings	
	Initial fee	\$500
	1 to 2 years	\$1,000
	2 to 3 years	\$2,000
	3+ years	\$3,000
Chapter 105, Fees		
§ 105-1	Fire Department	
§ 105-1	Quarterly inspection (nursing homes, group homes, rooming houses, hotels and motels)	\$50 per inspection
§ 105-1	Inspection of tank trucks (transporting Class A and B fluids)	\$40
§ 105-1	Blasting permit [Amended 5-8-2000 STM by Art. 7; approved 8-17-2000]	\$50
§ 105-1	Flammable fluids and gases permit	\$50

Section	Fee	Fee Amount
§ 105-1	Inspection of properties holding flammable fluids and gases permit (yearly)	\$10
§ 105-1	Gunpowder permit	\$25
§ 105-1	Cutting and welding	\$25
§ 105-1	Oil burners (permits and inspections)	\$25
§ 105-1	Permit for removal of underground storage tanks:	
§ 105-1	Over 1,100 gallons	\$100 per tank
§ 105-1	Under 1,100 gallons	\$50 per tank
§ 105-1	Permit for installation of underground storage tanks	
§ 105-1	Over 1,100 gallons	\$100 per tank
§ 105-1	Under 1,100 gallons	\$100 per tank
§ 105-1	Permit for removal of residential above ground tank	\$50
§ 105-1	Permit for installation of residential above ground tank	\$20
§ 105-1	Smoke detector certificate inspections:	
§ 105-1	Single family	\$50
§ 105-1	Multiple dwellings first unit	\$100
	Two Family	
§ 105-1	Each additional unit 3-5 Units	\$150
§ 105-1	6 or more	\$500
§ 105-1	Reinspections per unit	\$25
§ 105-1	Inspection of theaters (quarterly)	\$50
§ 105-1	Permit for residential storage of less than 100 gallons of LP gas	\$50
§ 105-1	Permit for commercial storage of over 100 gallons of LP gas	\$50
§ 105-1	Inspection and permit of fireworks display 527 CMR 2.00 MGL c. 148	\$25

Section	Fee	Fee Amount
§ 105-1	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 CMR 5.08(6) - per site	\$25
§ 105-1	Fire Alarms	
§ 105-1	Initial inspection, testing and acceptance of commercial fire detection system	\$100
§ 105-1	Permit to install or modify sprinkler system	\$25
§ 105-1	Initial inspection, testing and acceptance of commercial sprinkler system	\$100
§ 105-1	Permit to install or modify interior fire-alarm system	\$25
§ 105-1	Alarm system disconnects:	
§ 105-1	4 per year - No charge	\$0
§ 105-1	Over 4 - each	\$25
§ 105-1	After normal business hours	\$50
§ 105-1	Miscellaneous	
§ 105-1	Fire and/or ambulance reports [Amended 5-8-2000 STM by Art. 7, approved 8-17-2000]	\$10
§ 105-1	Vehicle - industrial extrication, hazardous materials cleanup	\$100
§ 105-1	Review of plans/prints/specifications, Minimum 1 hour - per hour	\$50
§ 105-1	Research time - per hour	\$50
§ 105-1	Car fire reports, FP33C/FP33D reports [Amended 5-8-2000 STM by Art. 7, approved 8-17-2000]	\$10
§ 105-1	Tar kettle permits [Added 5-8-2000 STM, Art. 7, approved 8-17-2000]	\$25

Section	Fee	Fee Amount
§ 105-1	FP290 renewal [Added 5-8-2000 STM by Art. 7, approved 8-17-2000]	\$50
§ 105-1	Rubbish handling permit	\$10
§ 105-1	Rubbish handling inspection	\$15
	Ambulance Fees	
§ 105-2	Fees for Ambulance/EMT services	Fire Chief with approval of Town Council
§ 105-2	BLS base rate	\$773.04
§ 105-2	ALS1 base rate	\$917.98
§ 105-2	ALS2 base rate	\$1,328.66
§ 105-2	BLS Non Emergency	\$483.16
§ 105-2	Mileage	\$20
§ 105-2	Cardiac Monitoring	\$175
§ 105-2	Defibrillator	\$140
§ 105-2	IV Therapy	\$140
§ 105-2	Airway	\$150
§ 105-2	Oxygen	\$90
§ 105-2	Extra man	\$250
§ 105-2	Extrication	\$150
§ 105-2	Mast	\$85
§ 105-2	C-PAP	\$160
§ 105-2	Cervical collar	\$40
§ 105-2	Longboard	\$50
§ 105-2	Disposable supplies ALS	\$60
§ 105-2	Disposable supplies BLS	\$50
§ 105-4	Town Clerk	
§ 105-4	Filing and indexing assignment for the benefit of creditors	\$10
§ 105-4	Entering amendment of a record of the birth of a child born out of wedlock subsequently legitimized	\$10
§ 105-4	Correcting errors in a record of birth	\$10
§ 105-4	Furnishing certificate of birth	\$10
§ 105-4	Furnishing an abstract copy of a record of birth	\$10
§ 105-4	Entering delayed record of birth	\$10

Section	Fee	Fee Amount
§ 105-4	Filing certificate of a person conducting business under any title other than his/her real name	\$30
§ 105-4	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
§ 105-4	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
§ 105-4	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
§ 105-4	Correcting errors in a record of death	\$10
§ 105-4	Furnishing a certificate of death	\$10
§ 105-4	Furnishing an abstract copy of a record of death	\$10
§ 105-4	Entering notice of intention of marriage and issuing certificates thereof	\$25
§ 105-4	Entering certificate of marriage filed by persons - married out of the Commonwealth	\$10
§ 105-4	Issuing certificate of marriage	\$10
§ 105-4	Furnishing an abstract copy of a record of marriage	\$10
§ 105-4	Correcting errors in a record of marriage	\$10
§ 105-4	Recording power of attorney	\$10
§ 105-4	Recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20

Section	Fee	Fee Amount
§ 105-4	Recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20
§ 105-4	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
§ 105-4	Flat rate additional streets	\$10
§ 105-4	Examining records of papers relating to a birth, marriage or death, upon the application of any person	\$5 or actual expense of record
§ 105-4	Copying any manuscript or record pertaining to a birth, marriage or death	\$5 per page
§ 105-4	Receiving and filing a complete inventory of all items to be included in a "closing out sale," etc.	\$10 first page; \$2 additional pages
§ 105-4	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
§ 105-4	Recording deed of lot or plot in a public place or cemetery	\$10
§ 105-4	Recording any other documents	\$10; \$2 first page; additional pages
§ 105-4	Voter certificate	\$5
§ 105-4	Proof of residency letter	\$5
§ 105-5	Sealing, weighing and measuring devices	
§ 105-5	Fees for sealing, weighing and measuring devices	Set by Sealer of Weights and Measures w/approval Board of Selectmen

Chapter 121, Junk Dealers

Section	Fee	Fee Amount
§ 121-1	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	\$25
Chapter 143, Peddling and Soliciting		
§ 143-4	License to sell fruit and vegetables	Separate fee schedule of \$2 to the use of the Town
§ 143-11B	Application fee	\$10
Chapter 144, Ice Cream Vending		
§ 144-2F	Application fee	\$25
Chapter 166, Streets and Sidewalks		
§ 166-9	Shopping Cart disposal	\$50
Chapter 188, Vending Machines, Printed Matter		
§ 188-3	Application fee	\$25
Chapter 192, Water		
§ 192-1	Unpaid charges - lien fee	\$50

§ 300-2. Town Council licenses - annual fees.

Title	Fee Amount
MGL Chapter 138	
Common Victualler all-alcoholic	\$2,000
Common Victualler beer and wine	\$1,500
Package Goods all-alcoholic	\$2,000
Package Goods beer and wine	\$1,500
Sunday Sales	\$500
Innholder all-alcoholic	\$4,500
Club all-alcoholic	\$1,500
One day (alcohol or beer and wine)- No charge for nonprofit organization	\$50
MGL Chapter 140	
Common Victualler	\$100
Innholder	\$200
Weekday Entertainment	\$25

Title	Fee Amount
Automatic Amusement	\$100 per each coin-operated device or pool table
Bowling/billiards/pool tables (non coin-operated)	\$10 per alley, per table
Entertainment (paintball)	\$150
Entertainment (cinema)	\$200 per screen
Sunday Entertainment (12:00 midnight to 1:00 p.m.)	\$200
Sunday Entertainment (1:00 p.m. to 12:00 midnight)	\$85
Taxis	\$75
Livery	\$125
Limos	\$250
Class 1	\$200
Class 2	\$200
Class 3	\$200
Auctioneer (including one day)	\$100
Psychic/palm reader	\$200
Application Fee	\$100
Change of manager (Alcohol) fee	\$100

§ 300-3. Town Council permits.

Title	Fee Amount
Eating and/or Drinking Establishments	
Food and Beverage vendor cart (not a CV license)	\$25 (unless wanted for Town Event - by Council vote)
General Industry and Manufacturing	
Essential public service or utility installation, including Municipalities	\$100
Institutional	
Professional services office providing educational instruction. . .preparation for taking standardized academic admissions test (such as SAT's/ACT's)	\$50
Intense Retail	
Outdoor sales and displays	\$50

Title	Fee Amount
Medical	
Veterinary offices and clinics, excluding animal boarding, pet grooming service	\$50
Professional Retail	
Vendor Carts	\$25
Transportation Related	
Taxi, Limousine & livery dispatching service	\$50
Taxi, Limousine & livery operating service	\$50
Tire sales, repair and mounting	\$50

§ 300-4. Town Council special permits.

Title	Fee Amount
Permit, Town Council from Table of Allowable Activity	\$100
Special permits (non-wireless)	\$150
Drive-through window	\$150
24-hour business operation	\$150
Wireless Communications, filing fee per tower	\$2,500 (non-refundable)
Per cell or antenna	\$500 (non-refundable)
General Industrial and Manufacturing	
Manufacturing of chemical & allied products, petroleum & coal products, leather & tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps & animal ft by-products, sugar, starches, serums, toxins & viruses, oils & fats, animals & vegetable	\$250
Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery & transportation equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons	\$250
Power generating plants by means of renewal resources, such as solar, wind, primarily for use on site	\$250
Power generating plants by means of renewal sources such as solar and wind	\$250
Institutional	
Cemetery	\$50

Title	Fee Amount
Crematorium	\$1,000
Custodial Institution	\$250
Extension of existing cemetery	\$50
Group Care Facility, Congregate	\$250
Group Care Facility, Large	\$250
Group Care Facility, Small	\$250
Homeless Shelter & similar uses	\$250
Public utility buildings, structures, uses, facilities and equipment	\$100 (Town exempt)
Substance abuse detoxifications & treatment centers	\$250
Sober houses	\$250
Intense Retail	
Flea market, swap meet and similar sales indoor or outdoor	\$100
Lodging	
Extended stay hotel	\$250
Medical	
Emergency medical care facility	\$200
Nursing home	\$200
Hospital	\$200
Personal Services	
Tattoo & Body Piercing Studio	\$100
Professional Retail	
Sporting goods sales/rental, with firearms	\$250
Transportation Related	
Automobile, boat RV, or motorcycle, outdoor sales or rental	\$200
Gas service station	\$250
Salesroom for automobiles	\$200
Salesroom for boats, trailers, trucks, farm implements or machinery	\$200
Miscellaneous	
Adult uses	\$250
Salvage yards	\$500
Non-accessory sign	

§ 300-5. Town Manager permits.

Title	Fee Amount
Animal - Livestock permit	\$25
Constable - 3-year Appointment	\$300

Chapter 301**FINES****§ 301-1. Table.**

Chapter/ Section	Title	Fine Amount
Chapter 1, General Provisions		
§ 1-5	General Penalty for breach of ordinance	Not to exceed \$20
§ 1-9E	Failure to pay non-criminal disposition	Not exceeding \$300
Chapter 73, Fire Alarm Systems		
§ 73-3D	False Alarms fourth, fifth and sixth alarms	\$20 for each false alarm
§ 73-3D	False Alarms seventh and eighth alarms	\$50 for each false alarm
§ 73-3D	False Alarms ninth and tenth and beyond alarms	\$100 for each false alarm
§ 73-3D	10 False alarms in 12 month period	Review of Police Chief
§ 73-3D	Nonpayment of fines	Disconnection
§ 73-5	Any violation of Chapter 73	\$20 and subsequent to the third offense in a 12-month period review by Police Chief
§ 73-8A	Fire Master Box Connection - on effective date	\$50 each day of noncompliance
§ 73-8B	Fire Master Box Connection - after effective date	\$50 each day of noncompliance
§ 73-9A	Connection of central station operating companies on effective date	\$50 each day of noncompliance

Chapter/ Section	Title	Fine Amount
§ 73-9B	Connection of central station operating companies after effective date	\$50 each day of noncompliance
§ 73-10	Master Box owner or Central Station Operating Company failure to comply	\$50
§ 73-11A(1)-(5)	Malfunction of Fire Alarm System	1st offense no charge; 2nd and 3rd notification of policy; 4th-6th is \$100; 7th-11th is \$200; each offense thereafter 11th is \$300
§ 73-17	Violation by building owner after receiving due notice from Fire Department	\$50
Chapter 76, Alcoholic Beverages		
§ 76-4	Violation of Chapter 76	\$50
Chapter 79, Animals		
§ 79-4B(1)	Failure to license	\$50
§ 79-4B(4)	Failure to licensed by April 1st	\$25 in addition to fee
§ 79-4B(10)	Failure to display license on dog	\$50
§ 79-4C	Failure to obtain a rabies vaccination	\$50
§ 79-4D(1)	Failure to obtain Kennel License by April 1st	\$50 in addition to fee
§ 79-4D(3)	Failure to renew Kennel License	\$50
§ 79-4E(3)	Maintaining Kennel after licensed revoked	\$50
§ 79-4H(1)	Failure to restrain a dog	\$50
§ 79-4J	Nighttime repetitive barking	\$50
§ 79-4L	Failure to obey quarantine for suspicion of rabies	\$50 each day

Chapter/ Section	Title	Fine Amount
§ 79-4M	Animal waste removal "pooper scooper"	1st offense is written warning; 2nd offense is \$25; 3rd and subsequent offenses is \$50; all in a 365-day period
§ 79-5A	Any Violation of Chapter 79	\$50
§ 79-7	Vicious dog licensing	Written notification of violation Noncompliance after 30 days of notification is \$100
Chapter 83, Building Construction		
§ 83-2C	Failure to register abandoned and/or dilapidated buildings or pay fees	\$300 per offense per day
Chapter 87, Demolition of Historic Buildings		
§ 87-6	Any violation of Chapter 87	Not to exceed \$300 each violation each day
Chapter 90, Burning, Outdoor		
§ 90-2	Any violation of Chapter 90	Not more than \$20 per offense
Chapter 93, Business Hours		
§ 93-2	Any violation of Chapter 93	\$20 per offense
Chapter 116, Hunting and Firearms		
§ 116-2	Any violation of Chapter 116	\$20 per offense
Chapter 140, Peace and Good Order		
§ 140-1	Violation of Chapter 140	\$20
§ 140-4	Deposit of waste material on public property	\$200
§ 140-5	Carrying a weapon on person or vehicle	Not more than \$300 per offense
§ 140-7	Public Consumption or Use of Marijuana or Tetrahydrocannabinol	\$300
Chapter 141, Unreasonable Noise		

Chapter/ Section	Title	Fine Amount
§ 141-2	Unreasonable noise-making automobile safety device	\$50
§ 141-3	Unreasonable noise from automobile safety devices	\$50
§ 141-11A	Violation of general provisions, loud amplification devices in public or residential	\$50 1st violation in any 12-month period, \$100 for 2nd violation in any 12-month period, and \$200 for 3rd violation and each subsequent violation in any 12-month period
§ 141-11B	Landlords in violation of Chapter 141	After 3rd notification, 1st violation in any 12-month period is \$150, \$300 for each violation thereafter
§ 141-11C	Any other violations of Chapter 141	1st violation in any 12-month period is \$100, 2nd violation in any 12-month period is \$200, 3rd violation and each subsequent is \$300
Chapter 143, Peddling and Soliciting		
§ 143-5	Sale of non-petroleum products from gasoline station by hawker or peddler	\$50 per day
§ 143-6	Failure to obtain license as hawker/peddler	\$50
§ 143-7	Sale of "silly string"	Not to exceed \$300
§ 143-8	Sale of Stink bombs	Not to exceed \$300
§ 143-19	Violation of any provisions of Chapter 143	Not to exceed \$50 for each and every offense
Chapter 144, Ice Cream Vending		
§ 144-2J	Violation of any provisions of Chapter 144	Not more than \$300 per offense, each day in violation counting as new offense
Chapter 147, Property Maintenance		
§ 147-3	Failure to comply with § 147-3, Weeds and grass	Warning; \$25 1st violation; \$50 2nd violation; \$100 for each violation thereafter

**Chapter/
Section****Title****Fine Amount**

§ 147-5

Failure to erect barriers during excavation involving hazardous conditions

Not to exceed \$200

§ 147-6

Failure to comply or violation of any provisions of § 147-6

Warning; \$25 1st violation; \$50 2nd violation; \$100 for each violation thereafter; each day violation continues is separate offense

Chapter 151, Quarries

§ 151-2

Violation of any provisions of Chapter 151

Not more than \$20 per offense, each day is new and separate offense

Chapter 157, Sales

§ 157-4

Violation of any provisions of Chapter 157

Not exceeding \$25 per offense, each day in violation is a separate offense

Chapter 161, Sewers and Drainage

§ 161-1

Construction or maintenance of drains or conduits

Not less than \$2 nor more than \$20

§ 161-2

Removal, damage or destruction of grass and trash racks near culverts maintained by state or Town

Not to exceed \$20

Chapter 166, Streets and Sidewalks

§ 166-1A

Debris causing obstruction in any running stream or body of water

Not less than \$300

§ 166-1B

Leaves onto public way

Not less than \$300

§ 166-1C

Pastured or tethered animals obstructing any public street or sidewalk

Not less than \$2 nor more than \$20

§ 166-1G

Failure to obtain approval for equipment or machinery on or crossing curbing or sidewalks

\$25 plus repairs

§ 166-1H

Snow onto public ways

\$300

Chapter/ Section	Title	Fine Amount
§ 166-1J	Violations of any provisions of § 166-1	
§ 166-3	Removal of protective barriers from streets with permission for coasting	Not more than \$20
§ 166-4	Awning and sign placement	\$10
§ 166-5	Breaking or digging up ground; placing post, fence, tree or edge stone	Not less than \$2 nor more than \$20
§ 166-7	Failure to comply with provisions of § 166-7 for numbering	\$5 per offense per day in violation
§ 166-9C(1)	Shopping cart on-site retention	1st violation is warning, each subsequent violation is \$20 per cart
§ 166-9D(4)	Removal of shopping carts from establishment	\$50
§ 166-9E(1)	Retrieval of shopping carts	\$20 for each of the 1st three carts, \$40 each additional cart thereafter and storage fee of \$10 per cart per day
§ 166-9F	Any violations of § 166-9 unless otherwise specified	Written warning-1st offense; \$25 2nd offense; \$50 3rd and subsequent offenses

Chapter 176, Vehicles, Junk and Unregistered

§ 176-7	Violation of any provision of Chapter 176	Violation notice and \$50 fine; each day violation occurs or continues is separate offense and separate fine
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Chapter 179, Vehicles and Traffic

§ 179-3	Parking Fines	
§ 179-3	Within 10 feet of a hydrant	\$15
§ 179-3	Within an intersection	\$10
§ 179-3	Interfering with snow removal	\$15
§ 179-3	Fire station entrance	\$30
§ 179-3	On crosswalk	\$15

Chapter/ Section	Title	Fine Amount
§ 179-3	On sidewalk	\$15
§ 179-3	Blocking driveway or private road	\$10
§ 179-3	Wrong direction	\$10
§ 179-3	Within 20 feet of an intersection	\$10
§ 179-3	Double parking	\$10
§ 179-3	Overtime parking	\$10
§ 179-3	Restricted area	\$15
§ 179-3	All-night parking	\$15
§ 179-3	Over 12 inches from curb	\$10
§ 179-3	In a bus stop	\$10
§ 179-3	In a taxicab stand	\$10
§ 179-3	On a bridge	\$10
§ 179-3	Fire lanes	\$50
§ 179-3	Handicapped parking	\$250
§ 179-5D(1)	Bicycles	
Chapter 185, Quality of Life		
§ 185-1H	Violation of any provisions of Chapter 185	Minimum of \$500 and maximum of \$1,000 per violation; each day after notification shall be considered separate offense
Chapter 188, Vending Machines		
§ 188-12	Violation of any provisions of Chapter 188	\$100 and cancellation, suspension, revocation or modification of permit pending hearing
Chapter 192, Water		
§ 192-4	Violation of provisions of Article II, Water Supply Emergencies	\$100 each offense; each day is a separate offense
§ 192-5B	Administration of penalties	Written warning, subsequent offenses subject to fine in § 192-4
Chapter 196, Wetlands		
§ 196-11	Enforcement of violation of chapter	\$300 per offense

Chapter A1**ACCEPTANCES OF GENERAL LAWS****§ A1-1. List of acceptances.**

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
6, 172B 1/2	256, s. 23/ 2010	7-25-2011/ 2011-010	Criminal history fingerprint-based background checks
21D		ATM 5-25-2006/32	Violation of Board of Health Rules and Regulations
31, 49		ATM 3-3-1930/63	Chief of Police
31, 58A		3-14-2011/ 2010-064	Civil service age restriction for entry- level firefighters
32, 220	399/1992	ATM 4-20-1993/6	Retirement system funding schedule
32, 85		ATM 3-19-1931/77	Pensions for police officers and fire fighters
32, 85E and J		ATM 3-15-1971/13	Pension for Police Chief
32, 90C		ATM 3-19-1973/10	Increase retirement allowance
32B		1969 Election Question 2	Insurance for Town employees
32B, 20		6-10-2013/ 2013-027	OPEB Trust Fund
39, 23D		7-28-2014/ 2014-030	Authority to vote at adjudicatory hearings when member has missed a meeting
40, 5B		9-8-2014/ 2014-035	Water Capital Improvement Stabilization Fund
40, 6B	351/1930	ATM 3-6-1944/19	Police and Fire Department uniforms
40, 8A		ATM 3-30-1964/76	Development and Industrial Commission
40, 8D		ATM 3-19-1973/82	Historical Commission
40, 8E		ATM 3-19-1973/78	Youth Commission

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
40, 8G		ATM 4-29-2002/44	Mutual Aid — Police Department
40, 21	98/1949	ATM 3-15-1954/45	Gravel removal
40, 21, p. 23(a)		STM 6-14-1983/5	Handicapped parking spaces
40, 21, p. 24		STM 6-14-1983/6	Unauthorized use of handicapped parking spaces; penalty
40, 21E		ATM 4-16-1996/14	Municipal charges and bills
40, 22F		ATM 4-26-2004/45	Fire department to establish own fees.
40, 22O		STM 6-12-1973/3	Selectmen authorized to set towing regulations
40, 57		ATM 4-17-1990/8	License denial for nonpayment of taxes and charges
40, 58		ATM 4-16-1991/24	Lien on real property for nonpayment of certain charges
40A, 8		ATM 3-23-1959/38	Reconsideration of ordinance or bylaw after unfavorable action
40C		4-28-2014/ 2014-009	Establish Historic District Study Committee
40U	26/2010	9-23-2013/ 2013-008	Municipal fines
41, 1		ATM 3-3-1930/64	School Committee
41, 1		ATM 3-3-1930/68	Board of Health
41, 1		ATM 5-7-1963/22	Board of Public Welfare
41, 23a		ATM 3-23-1964/2	Appointment of Executive Secretary by Selectmen
41, 70 to 72		ATM 3-19-1931/70	Planning Board
41, 73 to 81		ATM 3-19-1931/72	Board of Survey
41, 81A to 81Y		ATM 3-28-1951/28	Planning Board

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
41, 81U	245/1988	ATM 4-16-1991/16	Use of performance bond or cash deposit by Town
41, 97A	595/1948	ATM 3-20-1950/16	Police Department
41, 1086	19/1963	ATM 3-16-1964/11	Police officer compensation
41, 1001		STM 6-14-1976/2	Indemnification of officers
43, 103A		ATM 3-12-1946/7	Absentee voting
43D, 1 to 16		STM 12-3-2007/7	Expedited permitting, only as to those sites as the interagency permitting board described in MGL c. 23A, § 62, or the equivalent agency, approves the designation thereof as a priority development site pursuant to the procedures set forth in MGL c. 43D, §§ 1 through 16
43D		STM 6-8-2009/3	Priority development sites
44, 28C(f)		STM 11-28-2001/9	Delinquent trash fees added to real estate tax bill
44, 53C		ATM 3-19-1973/56	Off-duty police work details
44, 53C		STM 12-3-2001/16	Police/Special Detail Fund
44, 53D		STM 11-13-1996/12	Revolving account for receipts received in connection with recreation courses
44, 53E 1/2		ATM 4-28-1998/66	Recreation-establish annual revolving fund (ice arena)
44, 53E 1/2		STM 11-2-1999/72	Veterans/Elderly — establish

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
			Annual Revolving Fund (Senior Van)
44, 53E 1/2		ATM 4-18-2006/28	Zoning Board of Appeals — establish
44, 53E 1/2		3-22-2010/ 2010-001	Annual revolving fund Police Administrative Paid Detail Revolving Fund
44, 53F 1/2		ATM 4-15-1997/36	Enterprise fund for operation of recycling facility
44, 53F 1/2		ATM 5-15-2007/30	Creation of Randolph Water Facilities Enterprise Fund and Randolph Sewer Facilities Enterprise Fund (replaced by account created 4-10-2017 by Ord. No. 2017-016)
44, 53F 1/2		4-10-2017/ 2017-016	Combined Water/Sewer Enterprise Account
44, 65		ATM 3-21-1955/23	Vacation pay
44B		11-8-2004/1	Community Preservation Committee
46, 42A to F		ATM 3-22-1983/84	Water rates to become lien on real estate
48, 59A		ATM 5-14-2001/87	Mutual Aid — Fire Department
53, 9A		STM 1-10-1966/12	Nomination papers
54, 103A		STM 4-23-1956/18	Absentee voting
58, 7A to D		STM 10-29-1962/3	Repealed 1979, 797, Sec. 7
59, 5	727, 1985	ATM 5-19-1987/ 105	Tax exemptions for organization of veterans of foreign wars
59, 5, cl. 37A		ATM 4-18-1989/7	Tax exemptions for blind persons
59, 5, cl. 41B	653, 1982	STM 4-9-1985/19	Tax exemption for elderly persons

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
59, 5, cl. 41C	73/1986	ATM 4-17-1990/5	Tax exemption for elderly persons
59, 57C	653/1989	ATM 4-16-1991/26	Quarterly tax bills
59, 5K	127/1999	ATM 5-25-2006/33	Senior Citizen Property Tax Work off Abatement Program
60, 2	281/1990	ATM 4-21-1992/6	Abatement of tax balances under \$10
60, 3C		STM 11-15-1993/6	Local educational fund
64G, 3A		ATM 3-17-1986/90	Local room occupancy excise tax
64L, 2(a)	27/2009	4-11-2011/ 2011-001	Local meals tax
71, 16 to 161		1964 Election	Regional school district
71, 71E	639/1977	ATM 3-26-1979/68	Providing for expenditure by School Committee of receipts from adult education and continuing education programs
80, 1 to 9		ATM 3-28-1951/29	Betterments
82, 37	130/1925	STM 11-27-1931/7	Building lines
82, 37		ATM 3-12-1935/29	Building lines
85, 11A and B		ATM 3-24-1970/86	Bicycle Safety Act
90, 20A 1/2		ATM 4-26-2004/5	Parking violations
90, 20C		STM 6-12-1973/2	Parking violation fines
98		ATM 3-28-1951/30	Gravel removal
101, 8		ATM 3-31-1975/91	Transient vendors
121B, 4		1-23-2017/ 2016-003A	Redevelopment Authority
136, 4B		STM 10-23-1961/7	Sunday operation of bowling alleys
138, 12B		STM 6-14-1983/4	Prohibition of nudity in places holding liquor licenses
139, 1 to 3		ATM 3-10-1934/44	Dangerous buildings
140, 147A	308/1985	STM 11-14-1994/ 24	Regulation of dogs

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
143, 32		ATM 4-28-1998/64	Restrictions on part-time Building Commissioner and Local Inspector
143, 34		ATM 4-28-1998/63	Three-year appointments for Building Commissioners and Local Inspector
147, 16C		ATM 3-15-1954/40	Police Department workweek
148, 26C		ATM 3-18-1980/40	Smoke and heat detectors
148, 26E		ATM 3-18-1980/41	Smoke detectors
148, 26G		STM 10-24-1983/12	Automatic sprinkler systems
148, 26H		ATM 4-17-1990/19	Automatic sprinklers in lodging and boarding houses
148, 26I		STM 11-13-1996/36	Automatic sprinkler systems for multiple dwelling units
184, 31-33		ATM 4-21-1998/13	Preservation restrictions on Stetson Hall
200A, 9A		3-28-2011/ 2011-003	Unclaimed checks
297		ATM 4-2-1956/104	Industrial Development Commission
	15/1955 1957	ATM 3-25-1957/92	Removing fire fighters from civil service
	75/1983	STM 4-9-1984/3	Municipal Handicapped Commission
	138, Secs. 228 to 231/ 1991	STM 9-16-1991/1	Teachers' summer pay
	143/1954	ATM 3-15-1954/3	Assessments for betterments
	188/1985	STM 12-11-1989/6	Equal Education Opportunity Grant
	188/1985	ATM 4-21-1992/78	Equal Education Opportunity Grant

MGL C./Sec.	Chapter/ Acts of	Adoption Date/ Art. or Ord. No.	Subject
	211/1936	ATM 3-22-1948/22	Board of Survey
	223/1957	STM 7-10-1961/21	Conservation Commission
	235/1994	STM 11-3-1997/5	Credited service for fire fighters and police officers
	273/1955, Sec. 15	STM 12-21-1955/2	Building connection to sewer system and disposal
	273 and 410/ 1955	STM 12-21-1955/1	Inclusion in South Metropolitan Sewerage District
	291/1990	ATM 4-16-1991/63	911 service
	322/1961	STM 7-10-1961/20	Towing for snow removal
	324/1983	STM 4-9-1984/2	Police officers and fire fighters laid off in 1981 and 1982
	386/1953	ATM 3-15-1954/41	Repairs on private ways
	401/1966	ATM 4-10-1967/64	Coverage of officials under workmen's compensation
	513/1959	ATM 4-4-1960/61	Increasing pensions
	550/1987	ATM 4-18-1989/80	Disposition of unclaimed monies
	593/1951	ATM 3-18-1952/22	Pension for Superintendent of Schools
	597/1982	STM 6-14-1983/3	License plates for former prisoners of war
	624/1952	ATM 3-16-1953/5	Increase in pensions
	647/1960	ATM 4-11-1961/76	Increasing pensions
	727/1985	ATM 5-19-1987/ 105	Tax abatement for veterans
	737 and 143	STM 12-11-1961/3	Fees for gas fittings

Chapter A2

OFFICERS, BOARDS, COMMITTEES AND COMMISSIONS

§ A2-1. Actions affecting officers, boards, committees and commissions.

Adoption Date/		
Name	Art. or Ord. No.	Description
Airport Commission	STM 1-10-1966/26	Selectmen authorized to establish
Ambulance services	STM 12-11-1961/4	5-member committee established to have jurisdiction over the setting and the collecting of ambulance fees
	STM 4-14-1986/3	3-member committee established to have jurisdiction over the abatement of uncollected ambulance fees
	ATM 4-16-1996/13	Committee disbanded
Auditors	ATM 3-12-1932/15	Office abolished
Board of Appeals	STM 6-17-1968/6	Membership reduced to 5
Board of Recreation	STM 12-19-1968/3	Authorized to act as Park Commissioners
Board of Selectmen	ATM 5-8-1962/49	Membership raised to 5; terms established
	ATM 5-7-1963/21	Designation as members of Board of Public Welfare rescinded
Board of Sewer Commissioners	ATM 5-15-1962/72	Terms established
Building Inspector	ATM 4-5-1971/105	Selectmen authorized to employ
Business and Industrial Commission	ATM 5-15-1962/74	Terms established
Clerk/Registrar	STM 5-8-2000/5	Authorize Home Rule Petition to Establish Position of Clerk/Registrar
Clerk/Treasurer	STM 5-8-2000/5	Abolish the Position of Clerk/Treasurer
Clerk/Treasurer	STM 5-11-1981/1	Authorized to set fees and charges for Town Clerk services
	ATM 4-11-1983/96	3-year term of office
Collector	ATM 4-11-1983/95	3-year term of office

Adoption Date/		
Name	Art. or Ord. No.	Description
Committees generally	ATM 3-15-1954/19	Progress reports to be submitted every 2 months to appointing agent; appointing agent to replace inactive members
Community Preservation Committee	STM 11-8-2004/2	Established
Council for the Aging	ATM 3-20-1963/94	Established
Government Study Committee	ATM 4-29-2002/2	Established
Highway Supervisor	STM 10-24-1949/21	3-year term of office
Housing Authority	STM 7-6-1964/25	Selectmen authorized Committee to appoint and later have elected
Housing Authority	ATM 3-23-1965/73	Established for the Elderly
Institutional Open Space Committee	STM 5-23-2005/1	Established, members to be appointed by Moderator
Master Plan Implementation Committee	ATM 4-23-2001/19	Establishment of Committee
Military Services Committee	6-24-2013/ 2013-034	Establishment of Committee
Moderator	ATM 3-20-1979/48	Term of office extended from 1 to 3 years
	ATM 4-3-1978/108	Vacancies on boards or committees appointed by the Moderator should be filled within 30 days, except as provided in the General Laws
Municipal Space Needs Committee	ATM 3-15-1976/1	Establishment
Municipal Space Needs Committee	ATM 4-15-1997/3	Change of membership requirements
	ATM 4-15-1997/3	Changes in terms of office; vacancies

Adoption Date/		
Name	Art. or Ord. No.	Description
Public Works Commissioners	ATM 4-16-1991/10	Authorized as members of the Joint Water Board to handle documents to provide EPA/DEP access to property owned jointly by the Towns of Randolph and Holbrook
Redevelopment Authority	1-23-2017/ 2016-003A	Establishment
School Planning and Building Committee	ATM 3-15-1971/8	Membership changed from 14 to 10
Treasurer/Collector	STM 5-8-2000/5	Authorize Home Rule Petition to establish position of Treasurer/Collector
Treasurer	ATM 3-20-1979/15	Term of office extended from 1 to 3 years
Tree Warden	STM 10-24-1949/ 20	3-year term of office
Youth Commission	STM 7-6-1964/2	Membership raised from 15 to 25

Chapter A3

SPECIAL ACTS

§ A3-1. List of Special Acts.

Subject	Historical Information	Approval Date
Exemption of Dog Officer from the Civil Service Law	Ch. 296, Acts of 1980	6-16-1980
Exemption of Executive Director of the Council on Aging from the Civil Service Law	Ch. 297, Acts of 1980	6-16-1980
Exemption of Director of Public Health from the Civil Service Law	Ch. 298, Acts of 1980	6-16-1980
Exemption of Tree Warden from the Civil Service Law	Ch. 299, Acts of 1980	6-16-1980
Exemption of School Traffic Supervisor and Assistant Town Engineer from the Civil Service Law	Ch. 363, Acts of 1985	10-8-1985

Subject	Historical Information	Approval Date
Exemption of Police Chief from the Civil Service Law	Ch. 390, Acts of 1992	1-5-1993; repealed, see Ch. 354, Acts of 2002 (below)
Exemption of Town Accountant from the Civil Service Law	Ch. 391, Acts of 1992	1-5-1993
Authorizing the appointment of a member of the Board of Selectmen to the position of Executive Secretary of said Board	Ch. 305, Acts of 1992	12-31-1992
Providing for recall elections	Ch. 354, Acts of 1993	12-30-1993
Deputy Fire Chief	Ch. 158, Acts of 1997	11-24-1997
Validating acts and proceedings of 2000 ATM	Ch. 163, Acts of 2000	8-1-2000
Establish Position of Clerk/Registrar and Treasurer/Collector	Ch. 258, Acts of 2000	8-31-2000
Placing the Police Chief under the Civil Service Law	Ch. 354, Acts of 2002	10-25-2002
Authorizing Town to establish a Town Charter	Ch. 499, Acts of 2004	1-7-2005
Randolph Public Library	Ch. 53, Acts of 2008	3-5-2008
Providing voters of Town a choice of Charters for a new form of government	Ch. 2, Acts of 2009	3-9-2009
Authorizing special meeting of Town Council for purpose of selecting a Town Manager	Ch. 147, Acts of 2009	11-19-2009
Amending Town Charter	Ch. 98, Acts of 2013	9-30-2013
Authorizing Town to designate a check-off on tax bills for the Military Services Committee	Ch. 68, Acts of 2015	8-21-2015
Amending Town Charter	Ch. 88, Acts of 2015	9-28-2015

Chapter A4

MISCELLANEOUS

§ A4-1. Town actions.

Subject	Adoption Date/Art. or Ord. No.
Town labor: only citizens of Randolph to be employed	ATM 5-9-1932/8
Land set aside for War Memorial	ATM 3-17-1952/13
Use of parking meters discontinued	ATM 3-15-1954/13
Payment policy for use of private home phones for Town business	ATM 3-15-1954/18
Town Clerk instructed to compile a list of all citizens 21 years of age and over for the purpose of selecting committees	STM 7-20-1959/6
Fire detection alarm system to be in new residential structures; board established to set up rules and regulations	AT installed 4-4-1960/58
Official Seal	ATM 4-10-1967/63
Portions of Highland Avenue, High Street, Grove Street and Pond Street designated scenic roads	ATM 4-3-1978/118
Indemnification of officers and employees	ATM 3-26-1979/72
Receipts reserved account established for Conservation Commission	ATM 6-26-1990/9
Designate Economic Opportunity Area at 41 Pacella Park Drive	STM 5-10-2000/8
Tax Increment and Finance Agreement between Network Plus and Town of Randolph	STM 5-10-2000/9
Designate Economic Opportunity Area at 21 Pacella Park Drive	STM 11-28-2001/7
Tax Increment and Finance Agreement between Equity Partnership, VII, Sears and Roebuck, Company and Town of Randolph	STM 11-28-2001/8
Rescind Tax Increment and Finance Agreement between Network Plus and Town of Randolph	ATM 4-28-2003/4
Designate Economic Opportunity Area at One Posturepedic Drive	ATM 4-25-2005/18
Tax Increment and Finance Agreement between Stacy's Pita Chips Company, Inc. and Town of Randolph	ATM 4-25-2005/19
Designate Economic Opportunity Area at 27 York Avenue	STM 5-22-2006/2

Subject	Adoption Date/Art. or Ord. No.
Tax Increment and Finance Agreement between Percam, LLC Pearl Meat Packing Co. and the Town of Randolph	STM 5-22-2006/2
Acceptance of roads	ATM 6-9-2009/36
Police Administrative Detail Revolving Fund	3-22-2010/2010-001
Meals tax	6-14-2010/2010-045A
	4-11-2011/2011-001
Water Capital Improvement Stabilization Fund	9-8-2014/2014-035
Designation of 952 North Main Street as a unique property pursuant to MGL c. 30B (Fire Station)	9-22-2014/2014-038
Designating Belcher Park as Town parkland	12-8-2014/2014-048
Adopting Town of Randolph Hazard Mitigation Plan 2015 Update	7-25-2016/2016-021
Establishing 25-mile-per-hour statutory speed limit (per MGL c. 90, § 17C)	3-27-2017/2017-012
Special tax assessment agreement between Town, Cox Engineering and 21 Great Pond Partnership LLC	2017-018