

Town of Raynham By-Laws

RAYNHAM CODE

- Section One: By Laws Governing all Departments and General Procedures
(Page 2 – page 10)
- Section Two: By-Laws (General Legislation)
(Page 11 – page 73)
- Section Three: Legislative Acts Accepted by the Town of Raynham
(Page 74 – page 76)

RAYNHAM CODE

Section One **By-Laws Governing all Departments and General Procedures**

1/1 **Administration**

1/1.1 **Town Administrator**

Established by Town Meeting vote; appointed by the selectmen. (May 27, 1975 ATM) Changed from Executive Secretary to Town Administrator by vote of Board of Selectmen pursuant to MGL C.

1/1.2 **Building Code Board of Appeals**

(See Massachusetts Building Code, Section 126.8.)

The qualifications for this Board differ from those of the zoning and subdivision control Appeals Boards. (May 1975 ATM)

Commissions, Committees, Councils

Elected Commissions, Committees and Councils

Cemetery Commission

Bristol/Plymouth Regional Vocational Technical School Committee

Bridgewater/Raynham Regional School District Committee

Sewer Commission

Park and Recreation Commission

Raynham Center Water District Commission

North Raynham Water District Commission

Commissions, Committees and Councils (Appointed by the Selectmen)

Arts Lottery Council

Board of Appeals MGL 40A:12, MGL 41:81Z

Cable TV Advisory Board MGL 166A

Conservation Commission MGL 40:8C

Council on Aging MGL 40:8B

Finance Committee MGL 39:16

Historical Commission MGL 40:8D

Industrial and Development Commission MGL 40:8A

Economic Development and Industrial Corporation

Governmental Operations Committee

Town Government Study Committee

Permanent School Planning and Building Committee

1/2.1 **Cemetery Commission**

A Cemetery Commission of three shall be elected, one for one year, one for two years, and one for three years, and thereafter one for three years, to serve without pay. They shall organize within seven days from election and choose a Chairman and a Secretary. ~~No member of the Commission shall hold any other Elective or Appointed Office.~~ No member of the Commission shall be appointed to perform any duties **for the Cemetery Department** receiving pay. The Commission shall draw up a set of rules and regulations governing the management of Cemeteries that will conform to Chapter 114, Sections 22-26 of the general laws and file a copy with the Town Clerk. The Commission may amend or add to rules and regulations at any time by a majority vote and shall notify the Town Clerk of their act.

(June 26, 2006, Article 10, Special Town Meeting)

1/2.2 Finance Committee

Section 1. There shall be a Finance Committee consisting of seven residents of the Town. The Selectmen shall appoint members to three-year terms on a staggered basis. Members of the Finance Committee shall not serve in any elected Town position. Service on appointed Town Committees and/or Boards shall be limited to those cases in which the member is serving specifically as a representative of the Finance Committee (example: Capital Planning Committee). Any member of the Finance Committee who shall be elected to Town Office or a Town Committee and/or Board, and any member of the Finance Committee who shall be appointed to any Town Committee and/or Board except as exempted herein, shall forthwith upon qualification in such office, and any such member who shall remove from the Town shall upon such removal, cease to be a member of the Finance Committee. Members absent from one-third or more of regularly scheduled meetings in any fiscal year may be removed by a majority vote of the Board of Selectmen. At its first meeting of the fiscal year, the Finance Committee shall elect from its membership a Chairman and a Vice Chairman. The members of the Finance Committee shall serve without salary. Nothing in this by-law shall be construed to change the existing terms of office of Finance Committee members.

Section 2. The Finance Committee may employ subject to an appropriation therefore, an Executive Secretary.

Section 3. whenever any vacancy shall occur in said Committee by resignation, removal from Town, death, failing to qualify, or otherwise, said, vacancy shall be filled by a joint convention of the Selectmen and the remaining members of the Finance Committee as required by General Laws, Chapter 41, Section 11.

Section 4. The Finance Committee shall consider all matters of business, included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon in print its recommendations as to each article. The Finance Committee shall distribute its report to each of the Town meeting members at least seven days in advance of a Town meeting. The recommendation shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority as such. The report shall state the total amount of the appropriations recommended by them on the entire warrant and the approximate tax rate based on such recommendations. The report for the Annual Town Meeting may contain a statement of the doings of the committee during the year, with recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations or referenda and other matters on any ballot other, than the choices of individuals for office.

Section 5. The Finance Committee shall have authority at any time to investigate the books, accounts and management of any department of the Town, and employ such expert and other assistance as it may deem advisable for that purpose and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for that purpose. The Committee may appoint sub-committees of its members and delegate to them such of its powers as it deems expedient.

Section 6. The various Town Boards, Officers, and Committees charged with the expenditure of Town money shall, not later than the fifteenth of February of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates, of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the fiscal year. Such estimates and statements shall be filed with the Town Accountant who shall at once transmit the same to the Finance Committee.

Section 7. The Finance Committee shall duly consider the estimates and statements filed by the Town Boards, Officers, and Committees, and may confer with said Boards, Officers and Committees and hold hearings, if they deem it advisable. The Finance Committee shall there upon recommend such sums and in such division of items as it considers necessary and convenient. (May 1975 ATM, September 1975 STM)

1/2.3 Council on Aging

April, 1972 (See MGL C. 40 S. 8B)

The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying, out programs designed to meet the problems of the aging in cooperation with programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.

The Board of Selectmen shall appoint the Council on Aging consisting of seven (7) members. The Board of Selectmen shall also appoint three associate members, each to serve a three year term. An associate member shall not be a voting member except to the extent to create a quorum in the absence of a sufficient number of members. Upon acceptance of this by-law the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years and two (2) members for one (1) year term. Members can be reappointed for concurrent terms. The members of the Council shall serve without pay.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

The Council on Aging at its first Annual Meeting and thereafter, annually in April of each year, shall elect from its membership a President, Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

The Council may appoint such clerk and other employees as it may require. (April 1972 STM)

1/3 Officers and Employees

Elected Officials:

Board of Selectmen MGL 41:1

Town Clerk MGL 41:1

Town Treasurer MGL 41:1

Board of Assessors MGL 41:1

Planning Board MGL 41:81A
Moderator MGL 39:14
Tax Collector MGL 41:1
Board of Health MGL 41:1

Appointed Officials:

Town Accountant MGL 41:55
Town Counsel MGL 40:5(16A)
State Aid and Burial Agent MGL 114:10
Civil Defense Director Special law 31:13
Chief of Police MGL 41:97, 97A
Chief of Fire Department MGL 48:42
Constables MGL 41:91A
Animal Officer MGL 140:151
Sealer of Weights and Measures MGL 41:85
Electrical Inspector
Cattle and Barns Inspector
Moth Superintendent
Veterans Service Officer
Gas Appliances Inspector
Plumbing Inspector
Building Commissioner
Registrars of Voters
Highway Superintendent (MGL C.41 s.21 & 66)
Tree Warden

Officials Appointed by the Town Meeting:

Fence Viewer MGL 49:1
Field Driver MGL 49:22
Measurer of Wood and Lumber Surveyor MGL 94:296

1/3.1 **Town Accountant** (also called "Auditor" and "Accounting Officer")

The Town Accountant shall make an Annual audit of the Treasurer's books and an annual audit of the Tax Collector's books. He shall make a report to the town of the condition of the Treasurer's books and the amount of cash on hand at the close of the fiscal year.

The Town shall have an Annual State Audit. (See MGL C. 41, S. 55 and MGL C. 41, S. 48)

1/3.2 **Selectmen**

Section 1. The Selectmen shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to settle any claims or suits against the Town which in their judgment cannot be successfully defended, when the sum to be paid does not exceed one hundred dollars. Any settlement requiring the payment of a sum greater than one hundred dollars, except as authorized by law, shall be made only when authorized by the voters at a town meeting.

Section 2. The Selectmen may appear in the interest of the Town, either personally or by the Town Counsel, before any court, committee of the legislature, or any state or county board or commission; they shall have full authority as agents of the Town, acting upon the advice of the Town Counsel, to institute and prosecute any and all necessary suits and proceedings in favor of the Town, and to appear and defend any and all suits and legal proceedings against or involving the Town's interests.

Section 3. All conveyances of land or interests in land which may hereafter be authorized by a vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law of a vote of the Town, and shall be sealed with the Town Seal.

Section 4. The Chairman of the Board of Selectmen shall upon the election of a new clerk of the Board, file with the Town Clerk annually all minutes of the Board, taken by the retiring clerk.

Section 5. The Selectmen may sell any personal property or material lawfully in the custody of and belonging to any Town department, not required for its use and not exceeding one hundred dollars in value. No property of the town of value in excess of one hundred dollars shall be sold except at public auction, after not less than seven days notice in one or more newspapers published in the County of Bristol.

1/3.3 Town Counsel

Section 1. The Selectmen shall annually, in the month of June 30, appoint a Town Counsel and Associate Town Counsel, who shall be attorneys and counselors at law and residents of the County of Bristol, and who shall hold office for the term of one year from the first day of July and until their successors are appointed and qualified. They shall receive such compensation as the Selectmen may determine, subject to the appropriation of the town therefore. (Amended STM, May 19, 2014)

Section 2. The Town Counsel shall act as the legal advisor and counselor of the town. It shall be his duty to examine or cause to be examined all titles to property in which the town may acquire an interest, to draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any by-laws, vote or action of the town, or any board or officer, to which the town or its agents may be a party, and which by law, usage or agreement the town is to be at the expense of drawing. This section shall not apply to deeds and conveyances by the Treasurer or Tax Collector in cases of Tax Title Foreclosure.

Section 3. All articles in warrants for town meetings which contemplate the appropriation of money or the negotiation of town bonds or notes may be submitted to the Town Counsel for his examination and approval.

Section 4. It shall be the duty of the Town Counsel to advise and represent any official or office holder of the town.

1/3.4 Town Clerk

Section 1. The Town Clerk shall, immediately after every town meeting, notify, or cause to be notified, any person elected, chosen or appointed to any town office, or to serve upon any board of committee of the town, of his election, choice or appointment; and shall also furnish the various town officers, committees, boards, or departments with a copy of all votes affecting their respective offices or departments. (May 1975 ATM)

Section 2. The Town Clerk shall keep and cause to be permanently bound one or more files of the town reports.

Section 3. He shall not allow original papers or documents of the town to be taken from his office, except as they remain in his custody, or by authority of the law.

Section 4. He shall have stated hours for the transaction of business, and give public notice thereof.

Section 5. All fees received by the Town Clerk by virtue of his or her office shall be paid into the town treasury. (Amended May 15, 1995)

1/3.5 **Treasurer**

Section 1. The Treasurer shall be the custodian of all deeds, bonds and insurance policies belonging to the town, except that the bond of the Treasurer shall be in the custody of the chairman of the Board of Selectmen. (Amended May, 1975)

Section 2. The Treasurer shall make an annual report which shall contain a statement of the amount of money received and paid out by him during the year; a full exhibit of all moneys, properties and securities which may be placed in his charge by virtue of any statute or by-law, or by virtue of any gift, devise, bequest or deposit; a list of all notes issued during the year, showing the purpose for which the money was borrowed, and giving the date, term, rate of interest, time of maturity, and the premium, if any, received thereon; a list of all notes paid during the year, and a list of all outstanding notes with dates of which they will mature.

Section 3. He shall have stated hours for the transaction of business and shall give public notice thereof.

1/3.6 **Assessors** (This was repealed on May 18, 1978, ATM Article 49)

1/3.7 **Tree Warden**

The Board of Selectmen shall appoint a Tree Warden fro a term of three years beginning July 1, 2000. The Tree Warden shall exercise the duties of Tree Warden and of Insect Pest Control. Such Tree Warden shall be qualified by training and experience in the field of arboriculture. Said Tree Warden shall be licensed, or shall obtain a license within one year of appointment, with the Department of Agriculture in accordance with the provisions of section 10 of Chapter 132B. (May 15, 2000; A.G. approved August 8, 2000)

1/3.8 **Town Treasurer/Town Collector**

~~The Board of Selectmen shall appoint a Town Treasurer/Town Collector beginning April 27, 2013 until June 30, 2013 and thereafter for a term of three years; provided that, if the current elected Town Treasurer/Town Collector vacates the office before April 27, 2013, a successor shall be appointed until June 30, 2013 and thereafter for a term of three years.~~

The Board of Selectmen shall appoint a Town Treasurer/Town Collector to a term up to three years on or about July 1 of an expiring term. (ATM May 16, 2016)(Approve by A.G. July, 2016)

The Town Treasurer/Town Collector shall perform all of the duties of the Town Treasurer as per Section 1/3.5 of these by-laws and any applicable Massachusetts General Laws; and all of the duties of a Town Collector as approved in Article 42 of the 2003 Annual Town Meeting and any applicable Massachusetts General Laws.

1/4 **General Provisions Governing all Departments**

1/4.1 **Committee Appointments**

All officers, boards and committees shall notify the Town Clerk of their organization.

No board or committee of town officers having the power or authority to appoint any town officer or agent shall appoint any member of such board or committee to any salaried office or position; but this shall not prohibit any town officer from being chairman or clerk of the board or committee of which he may be a member.

1/4.2 **Compensation**

All boards or committees receiving salaries may provide for extra compensation for chairman or any other special duties providing same so divided does not exceed the total appropriation. The Town Accountant shall be notified promptly in writing of any such division.

1/4.3 **Conflict of Interest**

No officer or board of the town shall make any contract on behalf of the town in which such officer or any member of such board is directly or indirectly financially interested, except competitive contracts.

1/4.4 **Contracts**

No contract, involving an obligation of the town, exceeding the sum of one hundred dollars shall be binding upon the town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the town.

No board or officer shall make any contract on behalf of the town, the execution of which shall necessarily extend beyond on year from the date thereof, unless specific authority so to do has been given by vote of the town, except the school committee.

1/4.5 **Annual Report**

Every officer in charge of a department shall annually, on or before the fifteenth day of January, transmit to the Selectmen, in writing a report containing a statement of the acts and doings of his department for the past financial year, to be printed in the annual report as the selectmen may deem expedient.

1/5 **Town Meeting**

1/5.1 The Annual financial town meeting shall be held on the third Monday in May at 7:00P.M. Commencing year 1975. (March 1974 ATM)

1/5.2 **Warrant**

Every Town Meeting shall be called by a warrant directed to a Constable, or other duly appointed person, by posting attested copies of said warrant in not less than seven ~~six~~ public places in the Town, at least seven days before the day fixed for the annual town meeting, and at least fourteen days before the day fixed for a special town meeting. In addition, attested copies of Special Town Meeting warrants shall be posted at all polling places.

Following places for posting Town Warrants:

~~Slip's Capeway Marine~~, Municipal Building, Raynham Center Post Office, Raynham Post Office, ~~Gilmore Hall~~, Merrill School, Senior Center, **Middle School**

Every article intended for insertion in the warrant for annual or special Town Meetings must be presented in writing to the Selectmen, in accordance with law, on or before ~~February 10th~~ **March 30th** in the case of the annual meeting,

and not less than two **four** weeks before a Special Town Meeting. At the same time a copy of each of said articles shall be filed with the ~~Clerk of the Advisory and Finance Committee~~. (Amended June 1983 ATM, May 1984 ATM)

1/5.3 **Procedures at Town Meeting**

1. Only voters shall be admitted to the place of meeting or to a defined portion thereof, and the check list shall be used in enforcement of such order. This does not prohibit the moderator from admitting any person to the town meeting who has business before it so requested by an office holder of the town or by ten or more voters who shall sign such a request. The moderator shall announce to the meeting the name of those thus admitted to become a matter of record of the Town Meeting.
2. All articles in the warrant shall be acted upon in the order of their arrangement, unless the meeting by vote otherwise determines.
3. Any report, resolution, motion or appropriation shall be reduced to writing, if the moderator so directs.
4. No person shall address the meeting unless recognized by the moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.
5. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.
6. In accordance with MGL Ch.39 Sec.15, the Moderator shall preside over town meetings, regulate the proceedings, decide all questions of order and make public declarations of all votes. If a two-thirds vote of a town meeting is required by statute, the Moderator shall at his sole discretion determine whether it is necessary to count and record the vote. If any declaration of vote by the moderator is immediately questioned by seven or more voters rising in place, the Moderator shall verify and record the vote, which shall in such case be taken by a show of hands or standing vote. The vote on any motion, provided at least twenty-five voters so order, shall be taken by a "Yes" or No" paper ballot.
7. No reports of committees shall be in order at any special town meeting unless made under an article in the warrant which indicates the subject to be reported upon.
8. No vote after being once passed at a meeting shall be reconsidered at that meeting or at an adjournment thereof, except by a two-thirds vote.
9. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting to a stated time.
10. The duties of the moderator, not specially provided by law or by these by-laws, shall be determined by the rules of practice contained in Cushing's Manual of Parliamentary Practice, so far as the same is applicable to a town meeting.
11. The duties of the Moderator, not specially provided by law or these by-laws, shall be determined by the rules of practice as set forth in Town Meeting Time, as amended, as far as the same is applicable to a town meeting.

1/5.4 **Town Meeting Actions**

All Town Votes or parts of Town Votes heretofore adopted which are inconsistent with the provisions of By-Laws are hereby repealed and annulled; but the provisions of foregoing By-Laws, so far as they are the same as the provisions of Town Votes heretofore adopted, shall be construed as a Continuation of said Town Votes, and not as new enactments.

The repeal of a Town Vote heretofore adopted shall not affect any act done, ratified or confirmed, or any right accrued or established, not any action, suit or proceeding neither commenced or had, nor affect any punishment, penalty or forfeiture incurred under such Town Vote.

By-Laws may be amended or repealed at any Town Meeting by Vote of the members present, provided an article for the purpose has been inserted in the warrant for that meeting, substantially stating the amendment proposed or the article or section of article to be repealed.

1/5.5 **Adjourned Town Meetings** (This section repealed April 16, 1991)

1/5.6 **Quorums**

A quorum at any town meeting, except such parts as are devoted elections of town officers, shall consist of twenty- five (25) registered voters, ~~but no vote shall be passed involving an expenditure or appropriation of more than five thousand dollars or involving amendments or modification to the zoning map or zoning by laws unless there shall be present at least seventy-five (50) registered voters~~, but a less number may organize to adjourn to some future date. (Amended May 1980, Sept. 1982, May 1984 & May 1992, Nov. 1, 2012)

1/5. 7 **Election of Town Officers**

Such town officers are required by law to be chosen by ballot shall be elected annually on the last Saturday in April, preceding the last Monday in April. (Amended May 1978).
A moderator shall be elected for a term of three (3) years. (Amended May 1993)

1/5.8 **Appointment of Committees**

All committees may be appointed by the moderator, with the exception of the Finance Committee, unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed, or at the next annual town meeting held thereafter, it shall be deemed discharged unless an extension of time be granted by the town. All committees so appointed shall organize at their first meeting.

RAYNHAM CODE

Section Two General Legislation

2/1	<u>Animals</u>
2/1.1	License and Tags
2/1.2	Vaccinations
2/1.3	Limit on Number
2/1.4	Kennels
2/1.5	2/1.4 Violations and Penalties
2/1.6	Leashing and Restraining
2/1.7	Barking
2/1.8	2/1.7 Violations and Penalties
2/1.9	Payment to Veterinarian
2/1.10	Impoundment
2/1.11	Removal of Dog Waste
2/1.12	2/1.10 Violations and Penalties
2/1.13	Adequate Shelter
2/1.14	2/1.13 Violations and Penalties
2/1.15	Definitions
2/2	<u>Alcoholic Beverages</u>
2/2.1	Public gatherings, meetings, dances or events
2/2.2	Disorderly Behavior
2/2.3	Violations and Penalties
2/3	<u>Building Construction</u>
2/3.1	Inspector of Buildings
2/3.2	Elevation of Structures
2/3.3	Building Code
2/3.4	Construction of Buildings
2/3.4.1	Definitions
2/3.4.2	Plans and Permits
2/3.4.3	Steam or Hot Water Furnaces
2/4	<u>Numbering of Buildings</u>
2/4.1	Purpose
2/4.2	Definitions
2/4.3	Regulations
2/4.4	Penalty
2/5	<u>Hazardous Materials</u>
2/6	<u>Junk Dealers</u>
2/7	<u>Motor Vehicles</u>
2/7.1	Storage
2/7.2	Removal from Highways

2/7.3	Hazardous Parking
2/8	<u>Natural Resources</u>
2/8.1	Earth Removal
2/8.1.1	Administration
2/8.1.2	Removal
2/8.1.3	Exceptions
2/8.1.4	Conditions
2/8.1.5	Site Plans
2/8.1.6	Land Restoration
2/8.1.7	Bonding
2/8.1.8	Penalties
2/8.1.9	Permit Procedures
2/8.1.10	Existing Operations
2/8.2	<u>Water Resources</u>
2/8.2.1	Storage of Gasoline etc.
2/8.2.2	Flow of Natural Water
2/9	<u>Parking</u>
2/9.1	Handicapped Parking
2/9.2	Unattended Parking
2/9.3	Obstruction to Traffic
2/10	<u>Peddling and Soliciting</u>
2/10.1	Hawkers and Peddlers
2/11	<u>Peace and Good Order</u>
2/11.1	Disorderly Behavior
2/11.2	Anti-Noise By-Law
2/11.3	Assignment of Police Officers
2/11.4	Trespass Upon Real Estate
2/12	<u>Rubbish and Refuse</u>
2/13	<u>Signs</u>
2/14	<u>Sewage Disposal</u>
2/14.1	Permit
2/14.2	Disposal Works
2/14.3	Site Location
2/14.4	Inspection
2/14.5	Penalty
2/14.6	Disposal
2/15	<u>Streets and Sidewalks</u>
2/15.1	Work Within Town Ways
2/15.2	Names of Streets
2/15.3	Public Utility Easements

2/16	<u>Trailer By-Law</u>
2/16.1	Title
2/16.2	Definitions
2/16.3	Regulations
2/16.4	Administration
2/17	<u>Wetlands Protection</u>
2/18	<u>By-Law Relating to the Non-Payment of Taxes</u>
2/19	<u>Mobile Home Parks-Rent Control and Discontinuance of Parks</u>
2/20	<u>Secondary Articles By-Law</u>
2/21	<u>Pawnbroker By-Law</u>
2/22	<u>Street Opening By-law</u>
2/23	<u>Public Works Construction License</u>
2/24	<u>Development of Property Abutting Town Ways</u>
2/25	<u>Discharge of Paint Ball Guns</u>
2/26	<u>Interference with Mail Delivery</u>
2/27	<u>Alarms</u>
2/28	<u>Fire Alarm Systems for Commercial Buildings</u>
2/29	<u>Recall Elections</u>
2/30	<u>Capital Planning Committee</u>
2/31	<u>Feeding or Baiting of Waterfowl</u>
2/32	<u>Parking on Sidewalks Prohibited</u>
2/33	<u>Snow & Ice Removal</u>
2/34	<u>By-Law Prohibiting the Use of Gas-Powered Scooters, Powerboards, All-Terrain Vehicles and Mini-Motorbikes</u>
2/35	<u>Tax Increment Financing Board</u>
2/36	<u>Permanent Town Building Committee</u>
2/37	<u>Carbon Monoxide Detectors</u>
2/38	<u>Late Charges for Municipal Collections</u>

2/39	<u>Outdoor Swimming Pool Fencing Required</u>
2/40	<u>Depositing Snow on Town Roadway</u>
2/41	<u>Junk, Scrap, Debris</u>
2/42	<u>Public Consumption of Marijuana or Tetrahydrocannabinol</u>
2/43	<u>Synthetic Drugs</u>
2/44	<u>Criminal History Check Authorization</u>

2/1 ANIMAL CONTROL BYLAW

Article I General Regulations and Restrictions

2/1.1 License and Tags.

- A. Any person residing in the Town of Raynham, who at the beginning of the license period (April 1 to March 31), or who during the license period becomes the owner or keeper of a dog six months old or over, shall cause the dog to be licensed within 30 days. The Town Clerk shall issue dog licenses and tags on a form prescribed and furnished by the town. Subject to the approval of the Board of Selectmen, the town may provide licensing to be conducted through the mail.
- B. On the license form, the Town Clerk shall record the name, address, phone number and the date of birth of the owner or keeper of the dog, and the name, license number and description of each dog. Each tag shall include the license number, the name of the Town and the year of issue.
- C. The owner or keeper shall cause each dog to wear around its neck or body a collar or harness to which he shall securely attach the license tags. In the event that any tag is lost, defaced or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk at the cost of \$1. Such moneys shall be transmitted to the Town of Raynham's General Fund in the same manner as license fees.
- D. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies.
- E. 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.
- F. The fee for each dog license shall be fifteen dollars (\$15.) unless a certificate from a veterinarian stating that the dog has been spayed or neutered, or a statement from a veterinarian indicating that because of age, infirmity or other physical condition spaying or neutering is deemed inadvisable, is presented to the Clerk, in which case the fee shall be five dollars (\$5.). No fee shall be charged for a dog specially trained to lead or serve a blind, deaf, or handicapped person upon presentation to the Town Clerk of a certificate of such training.
- G. The Clerk shall collect a late fee of five dollars (\$5.) for every dog license issued after the thirty-day period, as defined in 2/1.1A of this Article.
- H. Any owner or keeper of a dog who moves into the Town of Raynham and has a valid dog license for his/her dog from another city or town in the Commonwealth shall within thirty (30) days obtain a dog license for a fee of one dollar (\$1.) upon producing evidence of the previous license.
- I. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering, or removal from the Town of Raynham or any other disposal of said dog.
- J. Any person who violates the provisions of section 2/1.1A-I, shall be subject to a written warning for the first offense, and for each subsequent offense shall be subject to payment of a fine of twenty-five dollars (\$25.).

2/1.2 Vaccination of dogs and cats against rabies.

A. The owner or keeper of a dog or cat six (6) months of age or older housed or sheltered in the Town of Raynham shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Massachusetts Department of Public Health. Unvaccinated dogs and cats acquired or moved into the Town of Raynham shall be vaccinated within thirty (30) days after the acquisition or arrival into Raynham or upon reaching the age of six (6) months, whichever last occurs. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

B. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat; provided however, the owner of a cat may choose not to affix a tag to his cat but shall have the tag available for inspection upon demand by the Animal Control Officers, Police Officers or other such authorized officials of the Town.

C. Vaccinated animals shall be revaccinated periodically in accordance with the rules and regulations adopted by and promulgated by the Massachusetts Department of Public Health.

D. Any person who violates the provisions of section 2/1.2 A-C, shall be subject to a written warning for the first offense, and for each subsequent offense shall be subject to payment of a fine of twenty-five dollars (\$25.).

2/1.3 Limit on number of dogs and cats per residence.

A. No person shall keep more than six (6) cats being over the age of six (6) months, at any premises within the Town of Raynham. No person shall keep four (4) or more dogs being over the age of six (6) months at any premises within the Town of Raynham unless that person has a kennel license.

B. Any person who violates the provisions of section 2/1.3A shall be subject to payment of a fine of twenty-five dollars (\$25.) per animal in excess per day of violation.

2/1.4 Kennel licenses, inspection, and regulation.

A. Any Owner or Keeper of four (4) or more dogs, six (6) months of age or older, or of a premises maintained for the boarding or in-residence training of dogs, shall obtain a Kennel License.

B. Issuance of a Kennel License shall be contingent upon inspection and approval by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs exist on the premises. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog six (6) months of age or older is currently vaccinated against rabies, shall be kept on file thereat and available for inspection by the Animal Control Officer or any authorized persons.

C. Such license shall be in a form prescribed by the Town Clerk. Such license shall be in lieu of any other license for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a

collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license, the year of issue, and the inscription "Raynham".

D. The Kennel License fee shall be seventy-five dollars (\$75.). The Town Clerk shall, upon application, issue without charge a Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a Kennel License. The license period for a kennel license shall be from January 1 to December 31, inclusive.

E. The Animal Control Officer, Animal Health Inspector, or any agent authorized by the Town may at any time during the hours of 8 a.m. to 6:00 p.m. inspect any kennel or premises for which a Kennel License has been issued.

F. If the Animal Control Officer, Animal Health Inspector, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the Selectmen may, by order after hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection and in accordance with the procedure set forth below in 4G.

G. Upon written petition of twenty-five Raynham residents, filed with the Selectmen, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at the kennel because of excessive barking or vicious disposition of said dogs, or other conditions connected with such kennel constituting a public nuisance, said Selectmen, within seven (7) days after the filing of such a petition, shall give notice to the owner or keeper of the kennel, the petitioner(s), and any other person the Selectmen determine should be given notice, of a public hearing to be held within fourteen (14) days after the date of such notice. Said notice shall also be posted on a Town bulletin board.

H. Within seven (7) days after such public hearing, said Selectmen shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.

I. The holder of such license or other person who is the subject of an order under 4H may petition the district court for relief in accordance with G.L. c. 140 § 137C.

J. Any person maintaining a kennel after the license has been so revoked, or while such license is so suspended, may be punished by a fine of fifty dollars (\$50.) for each day in violation of said revocation or suspension.

2/1.5 Violations and penalties.

Any person who violates the provisions of section 2/1.4 A-I, shall be subject to a written warning for the first offense, and for each subsequent offense shall be subject to payment of a fine of twenty-five dollars (\$25.).

Article II Restraint and Control

2/1.6 Leashing and restraining.

A. Any person owning, keeping, or being responsible for a dog shall not allow nor permit said dog to run at large on any of the streets or public places in the Town of Raynham or upon any private property, unless the owner or lawful occupant of such property grants permission therefore.

B. No dog shall be allowed or permitted in any public place or street within the Town unless it is effectively restrained and controlled by a chain or other form of leash that is sufficient to hold the dog, or unless it is under the immediate and effective voice control of a handler, or unless it is within and confined to a motor vehicle.

2/1.7 Barking dogs.

No person owning, keeping, or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building, premises, vehicle, or conveyance housing said dog, or such noise is continuous in excess of twenty (20) minutes. The fact that such noise is plainly audible at said distance or continuous in excess of twenty (20) minutes shall be prima facie evidence of a violation.

2/1.8 Violations and penalties.

Any person who violates the provisions of Article II shall be subject to a written warning for the first offense, and shall be subject to payment of the following fines: thirty dollars (\$30.) for the second offense, fifty dollars (\$50.) for the third offense, and one hundred dollars (\$100.) for the fourth and subsequent offenses.

Article III Emergency Treatment or Disposal

2.1.9 Payment to veterinarians.

Any veterinarian registered under the provisions of Section 55 or 56A of Chapter 112 of the Massachusetts General Laws who renders emergency care or treatment to, or disposes of, a dog or cat that is injured in any way within the Town of Raynham, and brought to a veterinarian by the Animal Control Officer or Police personnel, shall receive payment from the owner of such dog or cat, if known, or if not known, from the Town in an amount not to exceed one hundred dollars (\$100.) for such care, treatment or disposal; provided, however, such emergency care, treatment, or disposal shall be for the purpose of maintaining life, stabilizing the animal, or alleviating suffering until the owner or keeper of such dog or cat is identified or for a period of 24 hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or disposes of, such a dog or cat shall notify the Animal Control Officer and upon notification, said Animal Control Officer shall assume control of such dog or cat.

Article IV Enforcement

2/1.10 Impoundment; record of impoundment; reclamation.

- A. It shall be the duty of the Animal Control Officer, and any assistant Animal Control Officer appointed by the Board of Selectmen, to apprehend any dog found running at large and to impound such dog in the Town Kennel or other boarding facility.
- B. The Animal Control Officer or other impounding officer shall keep a register and make a complete record of each impounding. The record shall contain the following information:
1. The breed, color, and sex of each dog.
 2. Whether or not the dog is licensed.
 3. The license number, if any.
 4. The date and place of apprehension.
 5. The location where the dog is being kept.
 6. The name and address of the owner, if known.
- C. The owner of an impounded dog, when known, shall be notified verbally or in writing of such impoundment, or, if the owner is unknown, written notice shall be posted with the Police Department and on the Town's web site. Notice shall contain a description of the dog, date and place of apprehension, and location where the dog is being kept.
- D. The owner, keeper, or responsible person may reclaim the dog so impounded upon payment of the license fee, if unpaid, and the payment of impoundment and board at the pound, and the costs relevant to such impoundment.

Article V

Dog Waste Removal

2/1.11 Removal of dog waste from public property or property of others.

No person owning or having the care, custody, or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach, or wetland, in or upon any public property or in or upon the property of persons other than the owner or persons having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner.

2/1.12 Violations and penalties

Any person found in violation of Article V by the Animal Control Officer or Assistant Animal Control Officer shall be subject to payment of a fine of \$15 for each offense.

Article VI

Adequate Shelter

2/1.13 Failure to provide adequate shelter.

Any person owning, keeping, or otherwise responsible for a Companion Animal or Pet or Farm Animal or Livestock who confines that animal by tethering, fencing, or other means, shall provide for that animal access to adequate shelter from the elements of weather such as rain, cold, or sun. Potable water must be available to the animal at all times.

2/1.14 Violations and penalties.

Any person who violates the provisions of Article VI shall be subject to a written warning for the first offense, and for each subsequent offense shall be subject to payment of a fine of fifty dollars (\$50.) for each day in violation of said bylaw.

Article VII Definitions

2/1.15 Definitions.

For the purposes of Chapter 79, the following terms shall have the following definitions:

ADEQUATE SHELTER – means a structure that is large enough for the animal, whether it be livestock or pet, to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure are waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall must be included in shelter for dogs with short fur (example: Pointers, Staffordshire Terriers, Boxers, Labrador Retrievers) to provide adequate protection from cold. During cold weather a moveable flap must be placed over the entrance to a dog shelter to preserve the dog’s body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation.

COMPANION ANIMAL or PET – means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or keeper who cares for such other domesticated animal. “Pet” or “companion animal” shall not include a “farm animal” as defined in this section.

FARM ANIMAL or LIVESTOCK – means any poultry, ungulate, species of cattle, sheep, swine, goats, llamas, equine, or other fur-bearing animal, which are raised for commercial or subsistence purposes.

KENNEL – means one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of four or more dogs six (6) months of age or older, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

KENNEL, COMMERCIAL – means any premises maintained for the boarding or in-residence training of dogs, or where four (4) or more dogs six (6) months of age or older are kept.

OWNER or KEEPER – means any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog. If the animal is owned by a person under the age of eighteen (18), that person’s custodial parents or legal guardian shall be responsible for complying with all requirements of this bylaw.

2/2 Alcoholic Beverages

2/2.1
May, 1979

1. No gathering, meeting, dance or event to which the public is invited for consideration, at which alcoholic beverages will be sold, and at which attendance exceeds four hundred (400) persons, shall be held in the Town of Raynham after six o'clock, post meridian time, unless the sponsor of such gathering, meeting, dance or event, requests the Chief of Police to assign one Raynham police officer in uniform for every four hundred (400) persons in attendance.

2. Said sponsor shall base each request upon the previous year's attendance, and if none, upon advance ticket sales and reservations.

3. Such police officers assigned shall be paid by said sponsor at the prevailing extra-duty rate.

2/2.2 Disorderly Behavior. No person shall drink alcoholic beverages as defined in Chapter May, 1975 138, Section 1 of the General laws while on, in or upon any public way, or upon any way to which the public has a right of access, or any place to which the public has access as invitees, licensees, park or playground, or private land or place without the consent of the owner or person in control thereof.

2/2.3 All alcoholic beverages used in violation of this By-law shall be seized and held until final adjudication of the charge against the person arrested or summoned before the court.

Whoever is found guilty of the provisions of this By-Law shall be liable to a fine of not more than \$50.00 for each violation.

2/3 **Building Construction**

2/3.1 **By-Law Relating to the Establishment of a Building Inspector**

May 18, 1978

(a) The Board of Selectmen annually in March shall appoint a Building Inspector to hold office for the term of one year from the first of April following and until his successor is appointed and qualified, the Building Inspector shall receive such salary or compensation as shall be fixed by the Board of Selectmen.

(b) The Building Inspector shall be charged with the enforcement, where said enforcement is not reserved to other agencies, of all By-laws pertaining to the use of land and the construction of buildings thereon. He shall issue permits, collect fees for them as agent of the town and inspect all building operations within the town, and he may for the purpose, enter upon the premises, where such operation is carried on, at all reasonable times and shall report to the Board of Selectmen all violations of the By-laws, or of the conditions of any permit issued.

The Building Inspector shall, in addition to his other duties, have the responsibility of inspecting all maintenance work performed on town buildings and premises, and shall at least once in every three months report in writing to the Board of Selectmen his recommendations concerning the condition and requirement of such Town property.

- May 18, 1978 (c) Application for permit to erect, construct, reconstruct, alter or add to a structure shall be on forms provided and subject to the approval of the Building Inspector, and a copy of said permit shall be kept for filing, signed by the property owner.
- (d) Public notice of a permit granted shall be made by posting in a conspicuous place on the premises of a suitable placard giving the name of the owner, the signature of the Building Inspector and such other information as the Building Inspector may deem proper.
- (e) Deleted May 18, 1978
- (f) Any person violating any of the provisions of this By-Law shall be fined not more than twenty (20) dollars for each offense. Each day that such violation continues without abatement shall constitute a separate offense.
- (g) The Building Inspector shall annually submit a report to the Board of Selectmen to be placed in the Town Report.
- September 11, 1984 (h) For each building permit issued there shall be paid to the Building Inspector for the use of the town, fees to be established by the Board of Selectmen and the Building Inspector.
- (i) Any person appointed Building Inspector shall meet the requirements of Section 107.5 of the Massachusetts Building Code, e. 802, Acts. 1972.
- May 18, 1978 (j) All building permits shall be null and void after six months from date of issue unless work has been started and is proceeding at a reasonable rate. Application must be made thereafter for a new permit.
- 2/3.2 By-Law regulating the elevation of all buildings and structures.**
- May 18, 1978 The elevation of all buildings or structures shall be so constructed to be free of water as determined by the Building Inspector after consulting with the Highway Surveyor.
- 2/3.3 Building Code.**
- May 18, 1978 "Commonwealth of Massachusetts State Building Code, Chapter 802, of the Acts of 1972" as amended.
- 2/3.4. By-Laws Regulating the Construction of Buildings**
- 2/3.4.1 Definitions**
- (1) A lot shall be defined as an area of land with definite boundaries whether held by ownership in fee or under lease.
- (2) A street shall be defined as a way open to public use or a way approved by the Planning Board.
- (3) In the absence of a street layout the street line shall be defined as being 20 feet from the center of the road, unless planned otherwise by the Planning Board.

(4) A dwelling shall be defined as a building or structure used or intended to be used for dwelling purposes. Any building or structure permanently attached to a dwelling is, for the purposes of these By-Laws, to be considered part of the dwelling, but shall not include a structure for use solely for transient or overnight occupancy.

(5) Reference to erection of a dwelling shall also apply to the placing of a dwelling moved from another location, and to the conversion of any structure to be used as a dwelling.

2/3.4.2

Plans and Permits

May 30, 1979

1. Before any principal building or structure, other than a dwelling of 100 square feet or more in area on the ground and 8 feet or more in height is constructed, reconstructed or relocated, the Planning Board shall be furnished with a plan drawn to scale showing the lot dimensions, adjacent ways, the size and location of buildings or structures proposed to be constructed, reconstructed or relocated thereon, the location of any existing or proposed driveways, parking areas, drains and other buildings and major structures on the lot, and a statement of the intended use of such building or structure.

2. The Planning Board shall advise the applicant and the Building Inspector in writing if, in the Board's opinion, the proposed building and its placement on the lot would be in violation of the By-Law or of any zoning regulation of the Town of Raynham, or make recommendations for changes which would bring the proposed building or structure in conformance with the applicable By-Laws and improve the safety and convenience of the layout, or notify the Building Inspector and the applicant that, in the Board's opinion, the proposed construction, reconstruction or relocation should be given a building permit.

2/3.4.3

Steam or Hot Water Heating Furnaces.

Where oil is used for fuel or heaters are controlled by Automatic Stokers a Low Water Cut Out shall be installed.

2/4

By-Law Regulating the Numbering of Buildings and Structures in the Town of Raynham

2/4.1

Purpose

The purpose of this By-law shall be to provide an orderly and systematic method for identifying and locating buildings used for residential, commercial, or industrial purposes, and any other structures ordinarily numbered.

2/4.2

Definitions

The word building shall be taken to mean any dwelling, structure used for commercial purposes, structure used for industrial purposes, or any other structure ordinarily bearing a number for identification purposes.

The term principal street shall refer to any street (except limited access throughway) located in the Town which bears a state or federal numbered route designation, and such other streets as may be specified in Section 2/4.3; Regulations.

The term secondary street shall refer to all streets not otherwise designated as principal streets.

2/4.3

Regulations

- (1) Every building on an accepted Town way shall be numbered in accordance with the system, definitions, and limitations as set forth in this By-Law.
- (2) Authority for the administration and supervision of the provisions of this By-Law shall rest with the Selectmen, or their authorized agent.
- (3) For the purpose of establishing base lines the following streets are designated as principal streets: Broadway, South Main, North Main, South Street East, Route 1144.
- (4) Principal streets running in a general north/south direction shall be numbered from south to north.
- (5) Principal streets running in a general east/west direction shall be numbered from west to east.
- (6) Secondary streets shall be numbered from their point of intersection with a principal street, except that a secondary street which does not intersect a principal street shall be numbered from its point of intersection with a secondary street which leads to the nearest principal street.
Specifically excluded from the foregoing are Hall Street which shall be numbered from its point of intersection with Elm Street East; Dean Street, to be numbered from Church Street; East Warren Street numbered from Judson Street; Elm Street East from Broadway, Woodward Road from Elm Street East, and Thrasher Street from King Philip Street.
- (7) Building numbers shall be established by actual round measurement from the point of origin, with distances taken to the center of the building frontage to the nearest practical foot.
- (8) Numbers shall be established by said measurement in units of ten (10) feet, so that the distance from point of origin to the measuring point of any building shall be divided by ten (10) to determine the number for that building.
- (9) Odd numbers shall be on the right and even numbers on the left, with relation to proceeding from the point of origin of any street.
- (10) If a way continues across, or over, another way the point of origin of the way being numbered shall be unchanged, and the numbering system shall continue as though no intersection had taken place.
- (11) All existing numbers, posted or otherwise valid with the assignment of a number derived from the aforementioned system and the assigned number shall become the only recognized building number.

(12) The owner is responsible for notification of all agencies which will use the assigned number, and shall affix to the building in a prominent spot the assigned number in numerals not less than 2" in height and made of durable material.

(13) No provisions of this By-Law shall take effect except as provided in paragraph 14.

(14) To implement this By-Law the following procedure shall be followed:
The Planning Board shall recommend to the Selectmen that street, or those streets, which should come under the numbering system for any given year. The Selectmen shall cause to be inserted in the annual Town Meeting warrant an article designating the street, or streets, on which the numbering system is to become effective and specifying a sum of money to be expended in the measurement of said streets and the assignment of numbers thus derived. Acceptance of the article by the Town shall authorize the Selectmen, or their authorized agent, to proceed with the action specified, and existing numbers on the designated street, or streets, shall become invalid as provided in paragraph 11 of these regulations.

2/4.4 Penalty

(1) Any person failing to display an assigned number as specified in Section III, Subsection 12, thirty days after the assignment of said number shall be fined not more than ten (10) dollars for violating the provisions of this By-Law.

(2) Each thirty-day period that such violation continues without abatement shall constitute a separate offense.

2/5 Removal of Hazardous Materials, December 6, 1982

2/5.1 It shall be unlawful for any person, firm, or corporation to deposit oil or hazardous material, including discarded or waste material in a form, which because of its quantity, concentration, chemical, corrosive, flammable reactive, toxic, infectious or radioactive characteristics, whether separately or in combination with any other substances, constitutes a present or potential hazard to human health, safety or welfare, or to the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

2/5.2 The Board of Health shall be charged with the enforcement of this By-Law and shall have the express authority to adopt rules and regulations relative to enforcement and to require the removal of such material from any land areas within the jurisdiction of the Town of Raynham.

2/5.3 The Board of Health shall have the specific authority to order the owner or occupant of any private premises, at his own expense, to remove any hazardous material, deemed by the Board to constitute a nuisance, within such time as the Board considers reasonable, and such owner or occupant shall forfeit not more than \$20 for every day during which he knowingly violates such order.

If the owner or occupant fails to comply with such order, the Board may cause the material to be removed and all expenses incurred thereby shall constitute a debt due the Town upon the rendering of any account therefore to the owner, his authorized agent or the occupant and shall be recoverable from such owner or occupant in an action of contract.

2/5.4 This By-Law shall not apply to the lawful deposit of material under a permit authorized by any By-Law of the Town.

2/6 **Collection of and Dealers in Junk and Keepers of Junk Shops**

Section 1. The Selectmen may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals, or second-hand articles; and no such person shall be a dealer in or keeper of a shop as aforesaid without such a license.

Section 2. The Selectmen may require that any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized to make such examination.

Section 3. No person licensed as a junk collector shall directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid, except rags or bottles, of a minor, knowing or having reason to believe him to be such.

2/7 **Motor Vehicles**

2/7.1 **Storage of Motor Vehicles.**

It shall be unlawful for any owner or occupant of premises to have thereon or to permit thereon more than one unregistered motor vehicle or dismantled car unless the same is in a fully enclosed structure. Each day that such is permitted shall be deemed a separate offense. Each violation shall be punishable by a fine of twenty dollars (\$20.00).

Persons licensed under Chapter 140, Section 58. Auto Repair Shops, Service Stations, Body Shops and Farmers are excluded.

2/7.2 **Removal of Cars from Highways.**

No person shall allow any vehicle to remain in any public street or private way on which the Town Highway Department has the right to plow for snow and ice removal during the period when such removal is being conducted. The Chief of Police, the Chief of the Fire Department or the Highway Surveyor or any member of these departments are hereby authorized after immediate reasonable attempt to notify the person at the time responsible for the control of said vehicle, and after failure of said person, if found, to at once remove said vehicle, or if the person is not so found, to cause said vehicle to be removed to a reasonable convenient place or public garage. The owner shall be notified by the Chief of Police at once after removal of the action taken here under and the place where the vehicle may be recovered. The owner shall be entitled to possession of the same upon payment of the removal and storage charges if any. Any person being a licensed operator notified as above to remove an obstructing vehicle who refuses to do so shall be fined not more than Twenty (\$20.00) dollars.

2/7.3

Parking.

No person shall allow any motor vehicle owned or under their control to be parked on any street at any time within the Town so as to pose a hazard to the free and normal flow of vehicular or pedestrian traffic. Violation of this By-Law shall be punished by a fine of \$5.00 and/or the cost of having the vehicle towed.

2/8

Natural Resources

2/8.1 May, 1975
May, 1978

By-Law for the removal of any soil, loam, sand or gravel

____ May, 1979

2/8.1.1

Administration

1. The provisions of this by-law shall be enforced and administered by the Board of Selectmen, hereafter referred to as the Board.

2/8.1.2

Removal of Soil, Loam, Sand, Gravel, Quarry, or Other Earth Materials

1. The removal of soil and loam from any land in the Town of Raynham is permitted subject to the restrictions and conditions of this by-law.

2. The removal of soil, loam, sand, gravel, or other earth materials from land in any district which falls within the superimposed Inland Wetlands or Coastal Wetlands districts is prohibited, except where such removal is in connection with dredging being carried out by a governmental agency.

May 30, 1979

The removal of soil, loam, sand, gravel or other earth materials is prohibited in Residential A and Residential B zoning districts, except such removal as is allowed in Paragraph 3.

2/8.1.3

Exceptions.

The removal of earth material in any of the following operations shall be exempt from this section:

a. The removal of less than 10 cubic yards of material in the aggregate in any year from any one lot.

b. The transfer of material from one part of a lot to another on the same lot.

c. The removal of material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path, or other appurtenance provided the quantity of material removed does not exceed that actually displaced by the portion of such buildings, structures, streets, driveways, sidewalks, or paths or other appurtenances below finish grade.

2/8.1.4

For the removal of soil, loam, sand, gravel, quarry, or other earth materials other than that specifically exempt above, and for the processing and treating of earth materials, the following conditions shall govern:

- a. Removal operations shall not be conducted closer than 200 feet to a public street.
- b. All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
- c. Off-street parking shall be provided. The off-street parking shall be utilized by all related vehicles.
- d. Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT -DANGER SIGNS.
- e. Any work or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.
- f. Adequate provisions are to be made from drainage during and after the completion of operations.
- g. Lateral support shall be maintained for all adjacent properties.
- h. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
- i. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
- j. Before approval of a permit for any excavation, the owner shall file a performance bond, or deposit money, or other negotiable securities in an amount determined by the Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general clean-up, and other miscellaneous debris.
- k. Before granting approval, the Board shall find that the proposed operation will not be injurious or dangerous to the public health, will not produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of the property will not result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted and will not have a material adverse affect on the water supply, health, safety of persons living in the neighborhood or on the use of other amenities of adjacent land.
1. The permit issued shall be granted only to the owner of record and shall not be transferable. No permit shall be issued for a period of more than one year. The permit may be re- issued in the same manner. The permit shall expire at the end of the year.

m. In granting a permit hereunder, the Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which may include conditions as to the overall operations set forth above and as relating to the site plan and land reuse plan requirements set forth in the paragraphs in triplicate below.

2/8.1.5

Site Plans.

Site plans shall be filed in triplicate with the Board for any land which is used or intended to be used for the extraction of sand, gravel, rock and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer or a registered land surveyor at a scale of 40 feet to the inch and shall be in accordance with and indicate the following':

- a. Lot lines and ownership.
- b. Existing topography and proposed elevation at 2-ft. contour intervals.
- c. Names of abutters as found on the most recent tax list.
- d. Adjacent public streets and private ways.
- e. Proper provisions for safe and adequate V water supply and sanitary sewerage and for temporary and permanent drainage of the site.
- f. A location plan at a scale of 1" to 1,000'.
- g. Plan for regrading of all parts of the slopes resulting from such excavation or fill.
- h. Plan for replacement of at least four inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, re-seeded as necessary to uniform growth and soil stabilization.

May 27, 1975

Also the planting of seedling trees of the proper kind, suitable to the soil conditions, this to help slow the process of erosion which may occur, also to slow evaporation of any water from snow or rain in the area.

- i. Proposed lateral support to all adjacent property.
- j. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
- k. The relation of future buildings, temporary buildings, and operations machinery to the removal areas.
- l. Delineation of removal areas and depths.
- m. Provisions for a substantial fence enclosing the excavation or quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such a fence shall be located ten feet or more from .the edge of the excavation or quarry, and shall be at least six feet in height.
- n. Method of removal.

- o. Distance of excavation to street and lot lines.
- p. Disposition of boulders and tree stumps.
- q. Cleaning, repair, and/or resurfacing of streets used in the removal activities which have been adversely affected by the removal activities.
- r. The active gravel removal operation area shall not exceed a total area of five acres at any one time.

2/8.1.6

Land Restoration Plan(s).

Land restoration plan(s) must be submitted to and approved by the Board subject to the regulations set forth in the following paragraphs:

- a. The Board may require up to three approved alternative future land restoration plans submitted for such land as is used for the extraction of sand, gravel, rock, and associated earth materials. It is recognized that land restoration of the removal areas is in the public interest.
- b. Said land restoration plan and its implementation applies to the conversion of the abandoned site and its planned restoration. It is therefore, required that any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes.
- c. The land restoration plan or any part thereof which reasonably applies to an area which has been abandoned from the removal use shall be put into effect within one year of the abandonment of said operation.

2/8.1.7

Bonding.

The Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case it specifically finds that such security is not warranted and so states its decision giving the reason for its finding.

2/8.1.8

Penalties.

The penalty for the violation of this section of this By-law, or the removal of any soil, loam, sand, or gravel within the Town of Raynham without a permit hereunder, except as herein before provided, shall be as follows:

- a. For each violation one hundred dollars.
- b. For each subsequent offence, one hundred dollars, and/or revocation of the permit, at the discretion of the Board.
- c. Each unit or removal, used to remove soil, loam, sand, or gravel, such truck load of any size from the original site, constitutes a separate offence under this By-Law.

May 15, 1978

2/8.1.9

Permit procedures:

- a. No such permit shall be issued except upon written application, therefore, to the Board with a copy thereof to the Planning Board and Conservation Commission.
- b. Such application shall be accompanied by such filing and publication fee as the Board may reasonably determine.
- c. Within ten (10) days after receipt of such application the Board shall fix a reasonable time for a hearing upon such application and shall cause the notice of the time and place of such hearing thereof and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and shall also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and to the Board of Health, Water Commission, Planning Board, and Conservation Commission of the Town. At the hearing any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.
- d. The Planning Board may, in its discretion, investigate the case and report in writing its recommendations to the Board. The Board shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed thirty (30) days to elapse after receipt of such plan without submission of a report.

2/8.1.10

Existing Operations.

Any existing sand or gravel removal activity operating under a permit issued by the Board may continue until the expiration of the permit thereof; provided that no such permit shall issue: (1) If such removal shall adversely affect the water table or the natural or engineer drainage in the town; or (2) if such removal shall create unreasonable noise, dust, fumes, or other effects which are detrimental to the public health or public welfare. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment.

2/8.1.1

No night operations will be permitted, after 5.00P.M. and before 7.00A.M. The invalidity of any section or part hereof of this By-law shall not affect the validity of any other section or part hereof otherwise valid.

2/8.2

Water Resources

Storage of gasoline near water supplies and area ponds and brooks.

Deleted November 24, 1988

2/8.2.1

Storage of Liquid Petroleum Products for Sale or Use

Every underground storage system of liquid petroleum products for sale or use shall be contained in a monitored secondary containment system. Such system shall comply with

all current rules and regulations of the Town of Raynham Board of Health. A plan of said installations shall be furnished to the Water District in which the application is made.

(Added November 24 1987)

2/8.2.2

By-law pertaining to the flow of natural water in the Town of Raynham.

No natural water course shall be changed by construction, excavation, or filling unless suitable drainage facilities and easements acceptable to the Highway Surveyor are supplied.

2/9 Parking By-Law

2/9.1 Regulation of Handicapped Parking

(a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theatres, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five per- cent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand; one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.

(b) Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

(c) The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or authorized handicapped persons or in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

The penalty for violation of this by-law shall be as follows: for the first offense, fifteen dollars; for the second offense, twenty-five dollars; and for each subsequent offense, the vehicle may be removed according to the provisions of section one hundred and twenty D of chapter two hundred and sixty-six.

2/9.2 Unattended Parking

No person shall park or leave unattended his motor vehicle within any part of the area posted and marked as a fire lane in any parking area or parking lot, private or public within the Town. Any person violating this section shall be punished by a fine of \$100.00 for each offense.

2/9.3 Hazard to Traffic Flow

May 21, 1984

No person shall allow any motor vehicle owned or under their control to be parked on any street at any time within the Town so as to pose a hazard to the free and normal flow of vehicular or pedestrian traffic. Violation of this By-Law shall be punished by a fine of \$50.00 and/or the cost of having the vehicle towed.

2/10 Peddling and Soliciting

2/10.1 Regulating Hawkers. Peddlers. Etc.

1. All transient venders, hawkers, and peddlers duly licensed by the Director of Standards of the Commonwealth under General Laws, Chapter 101, and all hawkers and peddlers of publications except newspapers, peddlers of ice, flowering plants, flowers, fruits, nuts and berries, toys and novelties, shall register their name and address with the Chief of Police before doing business in the Town.

2. No transient vendor, hawker and peddler shall sell or offer for sale any goods, wares or merchandise in the town ~~between the hours of 6:00P.M. and 8:00A.M.~~, except that a duly licensed ice cream vendor may sell or offer for sale any ice cream products from his vehicle in town between the hours of 8:00A.M. and 9:00P.M. , provided he shall not use any sounding devices in his business between the hours of 8:00P.M. and 9:00P.M. (Amended 5-20-2002 STM - paragraph #2 with strikethrough language)

2/11 Peace and Good Order By-law

2/11.1 Disorderly Behavior

Section 1. No person shall throw balls, snow balls or other missiles, nor unnecessarily make any alarming or tumultuous noise, nor make nor light bonfires, or other fires, nor ride upon the hind part of any vehicle without leave, nor play at football or other games in any street, public way or square in this town.

Section 2. No person shall loiter or continue to stand on any sidewalk or public place in the town so as to obstruct the passage of or to impede or in any manner annoy other persons; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on.

Section 3. No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights, or of the street or way, to do so.

2/11.2 By-Law Prohibiting Unnecessary, Excessive or Unusual Noises

It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the General Laws, between 10:00 PM and 7:00AM, to cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including but no limited to, any loud,

unnecessary, excessive or unusual noises in the operation of any radio, phonograph, or other mechanical sound-making device, or instrument or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance, of one hundred and fifty feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty feet from the premises from which it originates shall constitute Prima Facie evidence of a violation of this by-law. Any person shall be deemed in violation of this by-law, who shall make, or aid, or cause, or suffer, or countenance, or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this by-law shall constitute Prima Facie evidence that they are a countenancer to such violation. Any person violating this by-law shall be punished by a fine of not more than one hundred dollars for each offense. (Amended September 22, 1997)

2/11.3 Assignment of Police Officers

May 21, 1984

The Chief of Police will be authorized to require that police officers be assigned to any establishment or upon any public way that, in the opinion of the Chief of Police, the safety of the public is at risk. This detail will be paid by the establishment or party creating the safety hazard in accordance with the current financial regulations established at the time.

2/11.4 Trespass Upon Real Estate

March 25, 1974

Whoever, without right, enters upon any real estate and after entry conducts himself in such a manner so as to cause harm or apprehension or physical injury to persons rightfully upon said real estate or to any other person whether said person be on said real estate or not shall be punished by a fine of \$20.00.

2/11.5 Unnecessary Annoyances

In accordance with M.G.L.'s Ch. 49, Sec. 21, within the Town of Raynham, a property owner shall not have, erect, place or maintain a fence, objects, debris or trash pile which is purposely erected, placed or maintained for the purpose of annoying the owners or occupants of adjoining properties, as defined by the Town appointed Fence Viewer, building inspector and/or police. A complaint arising from violation of this By-Law will result in the issuance of a warning to remove said fence, debris or trash. Second and subsequent violations shall be punishable by a fine of Fifty (\$50) dollars. (ATM – May 20, 2019)(Citizen's Petition)

2/12 Rubbish and Refuse

For the preservation of the public health and to prevent a nuisance, no person shall dump or cause to be dumped rubbish or debris within the limits of a public way or within 150 feet on either side of the legal limits or layout of a public way or 100 feet from an abutting property within the Town of Raynham. Violation of this By-Law shall be punishable by a fine of \$250.00. This By-Law shall not apply to the Town of Raynham Sanitary

Landfill, nor shall this section apply to any area designated by the Board of Health as a dumping site under the provisions of Massachusetts General Laws, Chapter 111.

2/13 Signs

A Sign By-Law voted at the Special Town Meeting on December 6, 1983 was not approved by the Attorney General. (See zoning by-laws for regulation of signs.)

2/14 By-law Pertaining to and Regulating the Design and/or Maintenance of Sewage Disposal Systems in the Town of Raynham

2/14.1 Permit

- a. No new dwelling, industrial or commercial structure, may be erected in the Town of Raynham, and no building permit may be issued therefore, until a sewage disposal works permit has been secured from the Board of Health, or its agent.
- b. A specification form indicating the proposed method of compliance with the rules and regulation contained in Sections 2/14.2 and 2/14.3 said form to be supplied by the Board of Health, shall be executed by the home owner or builder and made a part of the sewage disposal works permit by the official signatures of the Board of Health, or its agent.

2/14.2 Design of Disposal Works

- a. The sewage disposal work shall consist of a septic tank, with either leaching pit or pits, or trenches, adequate to provide for the daily sewage flow indicated in sub-section c.
- b. Septic tanks shall be water tight and may be constructed of concrete or other durable material. Metal tanks shall be of at least No.14 gauge steel or sheet iron with a protective coating of asphaltum.
- c. Tanks may be of any shape so long as the liquid capacity is equal to or exceeds 150% of the daily sewage flow, and the liquid depth for domestic installations is from 4 to 6 feet with an air space from 6 to 9 inches.
- d. The inlet and outlet shall be provided with a sanitary tee or equivalent baffle extending 10 inches below the flow line of the inlet and 15 inches on the outlet.
- e. Access opening (manholes or cleanouts) shall be provided over each inlet and outlet to permit cleaning of the tees or baffle and each tank (or compartment or multi-compartmented septic tanks) shall be provided with a least one manhole with a minimum diameter of 15 inches located over the inlet to permit maintenance and cleaning of the tank. The tops of the manholes or cleanouts shall be made water tight and be extended where necessary to between 12 inches to 18 inches below ground line
- f. The house sewer which will receive discharge from the house drain and conduct it to the disposal system shall be at least 4 inches in diameter, constructed of cast-iron, vitrified clay, concrete, cement, asbestos, or laminated impregnated pipe laid with tight joints and at a minimum grade of 1/8 inches per foot. Wherever the house sewer passes within 50 feet of any well or other source of supply, cast iron pipe with properly caulked lead joints shall be used.

2/14.3 Site Location

a. All portions of the system shall be constructed of durable materials with tight joints if located within: 100 feet of a wall or suction line from a well, 100 feet from any water supply or its tributaries, 10 feet of any drinking water supply line under pressure, 5 feet of the basement foundation if at an elevation above the cellar floor level.

b. If a septic tank is used and is constructed of material not subject to excessive corrosion or decay so that it remains water tight, its location need not be restricted to any minimum distance from the building foundation.

c. No part of the actual leaching works shall be closer than: 50 feet from any dwelling not located where town water is supplied, 10 feet from the line of any street, 10 feet from an adjoining lot line, 100 feet from a private water supply well or suction line therefrom, 50 feet from an open stream or water course, 50 feet from any subsurface drainage system, 10 feet from any drinking water supply line under pressure.

d. The actual leaching works shall be at an elevation 4 feet above that of the ground water level at all seasons.

2/14.4 Inspection

All sewage disposal works construction shall be inspected and approved by the Board of Health, or its agent, before such construction is covered and such cover shall be applied, thereafter in a manner approved by the Board of Health.

2/14.5 Penalty

Any person violating any of the provisions of Section 2/14.2 through 2/14.4 and 2/14.6 of this By-Law shall be fined not more than twenty (20) dollars for each 7-day period that such violation continues without abatement.

Note: All the provisions of Section 2/14.6 come under the jurisdiction of the Board of Health, as covered in General Laws, Chapter 111, Section 31A and 31B, and the State Sanitary Code, Article Eleven.

2/14.6 Transportation and Disposal of Cesspool and Septic Tank Contents

a. Permits-No person shall engage in the removal or transportation of the contents of cesspool or septic tanks, or other offensive substances without first obtaining a permit from the Board of Health under Section 31A of Chapter 111 of the General Laws. Such permits shall expire at the end of the calendar year in which they are issued, unless they are earlier revoked for cause.

b. Equipment -No person shall use equipment to remove or transport the content of cesspool or septic tanks or other offensive substances unless such equipment has first been inspected .and approved by the Board of Health.

c. Mobile Tanks-Mobile tanks shall be securely mounted on trucks. They shall be watertight and provided with a leak-proof cover and discharge valves.

d. Venting of Mobile Tank-Mobile tanks shall be provided with a vent constructed in a manner that will permit the escape of gas but not the liquid contents of the tank.

e. Hose-Suction or pressure hose shall be in good repair.

f. Pumps-Pumps shall be maintained in a condition that will prevent leakage of sewage.

g. Disposal-Disposal of the substances listed in section a. of this article shall be by burial to a depth of at least 24" below the surface or by discharge into a sanitary sewer. If disposal is by discharge into a sanitary sewer, it shall be in a manner and at such times as may be acceptable to the authority having jurisdiction over the sewer. If disposal is by burial, it shall be in a location approved in writing by the Board of Health.

h. Transportation-The contents of cesspools, and septic tanks shall be transported in a manner that will not create a nuisance or a health hazard.

2/15 Streets and Sidewalks By-law

2/15.1 Permit

No town way shall be dug, nor opening made therein, for any purpose, nor shall any material, tree, obstruction or structure be placed within or removed from the town way without the written permit of the Board of Selectmen, or its authorized agent.

Permit Requirements

(a) All work done under the permit shall be done under the supervision of, and to the satisfaction of, the Board of Selectmen or its authorized agent, and in conformity with conditions outlined in the permit.

(b) The entire expense of replacing the town way at the same level and in as good condition as before, with materials equal in specifications to those removed, shall be paid by the person or persons to whom the permit was issued.

(c) The Board of Selectmen may require a bond, to be filed, prior to the permit issuance, to guarantee the faithful and satisfactory performance of the work, and payment for any damage to town ways and facilities caused by or resulting from the operations authorized by such permit.

(d) The amount of the bond shall be determined by the Board of Selectmen, not to exceed the estimated cost of the work and possible damage, but shall not be less than \$500.

2/15.2 By-Law Relating to the Naming or Change of Name of Streets or Ways

No existing street or way shall be renamed, or shall any new or proposed street or way be named, without the prior approval of the Planning Board.

2/15.3 Town Owned Land Reverting to Property Owners Adjacent to Highways

All deeds given to property owner by the Town for land adjacent to the highway shall include a clause giving the right of easement to any public utility thereon located.

2/16 Trailer By-Law

2/16.1 Title.

This By-Law shall be known and may be cited as the Trailer By-Law.

2/16.2 Definitions.

In this By-Law the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

a. House Trailer. A structure primarily designed and built or altered to be hauled by a vehicle and to be used for living purposes, whether resting on wheels or on a temporary or permanent foundation; a mobile home.

b. Trailer Park. An area approved by the Board of Health under the provisions of this By-Law for the location of three or more house trailers.

May 21, 1984 No new trailer park licenses shall be available in the Town until the official census indicates that the population in the Town has reached 19,000 persons. When the population of the Town reaches 19,000 persons according to the official census, there shall be one new trailer park license available. Thereafter, there shall be one additional new trailer park license available for each increase of 10,000 persons in the Town population according to the most recent official census.

2/16.3 Regulations

(1) Application of regulations. No house trailer shall be located in the Town of Raynham except as hereinafter provided. Any house trailer located in the Town of Raynham on or before October 15th, 1959, is exempt from the provisions of this By-Law unless or until it is moved from its location as of said date. Any house trailer located in the Town as of said date may be replaced in the same location by a new house trailer. The original house trailer will then be subject to the provisions of this By-Law.

(2) Trailer Park. A house trailer may be located in a trailer park approved by the Board of Health.

The Board of Health, after holding a public hearing with due notice given, may grant such approval under the following conditions and requirements:

a. The Board shall have found the proposed trailer park will not be detrimental to the established and future character of the neighborhood.

b. Such a trailer park shall provide space and facilities for three or more house trailers.

c. The total area of the trailer park shall not be less than the area required for a dwelling lot.

d. The trailer park shall have frontage on an accepted Town street of not less than the frontage required for a dwelling lot.

e. The minimum hard dimensions for a dwelling lot shall apply when any trailer or accessory building is located adjacent to one of the trailer park boundaries.

f. The minimum space provided for each Mobile Home shall be fifty-five (55) feet by one hundred (100) feet.

g. Access drives to Mobile Homes shall be at ~ least forty (40) feet wide, and in accordance with the requirements of .the building of roads in Subdivisions. Each Mobile Home space shall have f frontage

on an access drive and shall provide an off street parking space for two (2) automobiles, a minimum of twenty-two (22) feet by twenty (20) feet wide.

h. An adequate and convenient source of electricity and water shall be provided for each trailer.

i. Each trailer shall be connected directly to a sewage disposal system.

j. The minimum sewage disposal system to be provided shall conform to the By-law pertaining to and regulating the design and/or maintenance of sewage disposal system in the Town Of Raynham.

k. The Board of Selectmen, Board of Health and Planning Board shall each be furnished with a plan of the trailer park that shows, in addition to the other details, the sewage disposal system and indicates the capacity thereof.

(3) Outside of Trailer Park.. In areas external to an approved trailer park, house trailers shall be used or parked only as provided below:

a. The Board of Health may grant a permit for a house trailer to be parked and used as a residence on private property (such property shall be considered to include occupied dwelling lots) for a period not to exceed 30 days in anyone year. The Board of Health may extend the permit for an additional 30 day period if requested to do so. Water supply and sewage disposal facilities for such a trailer must be approved by the Board of Health.

b. The Board of Health may grant a permit for a house trailer to be parked and used as a residence while a house is being constructed on the same premises. Such a permit shall be valid for one year, but may be extended by the Board of Health for one year additional if the Board is satisfied the construction of the house is being carried forward in good faith. If the construction ceases to be carried forward in good faith, the Board shall revoke the permit. The sewage facilities to be provided for such a trailer shall be the same as the facilities required by the Board of Health for a dwelling.

c. An unoccupied and unused house trailer may be parked on private property.

2/16.4 Administration

(1) Enforcement. The provisions of the By-Law shall be enforced by the Board of Health.

(2) Penalty. Any person who violates any provision of this By-Law or any of the conditions under which a permit is issued may be fined not more than twenty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

(3) Validity. The invalidity of any section or provision of this By-Law shall not affect the validity of any other section or provision of the By-Law.

Section 2/17 Wetlands Protection By-Law

Table of Contents:

Purpose

Jurisdiction

Exceptions

Permit Applications and Requests for Determination

Notices and Hearings
Determinations and Conditions
Provisions
 -Regulations
Definitions
Security
Enforcement
Burden of Proof
Certificate of Compliance
Relations to Wetlands Protection Act
Severability

Section 1 **Purpose**

The purpose of this by-law is to protect the wetlands, related water resources and adjoining land areas in the Town of Raynham by controlling activities deemed by the Raynham Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics and agricultural values (collectively the "wetlands values protected by this By-Law").

Section 2 **Jurisdiction**

Except as permitted by the Raynham Conservation Commission or as provided in this By-law, no person shall remove, fill, dredge, build upon or alter the following areas:

- a. Within 100 feet of any freshwater wetland, marsh, wet meadow, bog, or swamp;
- b. Within 100 feet of any bank, lake, pond, stream;
- c. Any land under said waters;
- d. Within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

Section 3 **Exceptions**

A Notice of Intent required by this by-law shall not be required for maintaining, repairing or replacing 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:

- a. The structure of the facility is not substantially changed or enlarged;
- b. Written notice with detailed plans of the work to be performed has been given to the Conservation Commission prior to commencement of work;
- c. The work conforms to performance standards and design specifications in regulations adopted by the Commission.

A Notice of Intent required by this by-law shall not apply to emergency projects necessary for the protection of health or safety of the public provided that any one of the following applies:

- d. The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;
- e. Advance written notice has been given to the Commission prior to commencement of work within 24 hours or at the latest by the end of the following work day;
- f. The Commission or its Agent certifies the work as an emergency project;
- g. The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency;
- h. Within 21 days of commencement of an emergency project as determined by the Conservation Commission, a Notice of Intent shall be filed with the Conservation Commission for review as provided in this by-law.
- i. Special Exception: Normal operation and maintenance of agricultural land.

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.

Other than as stated in this section the exceptions provided in Mass. General Law C. 131 Section 40 (Wetlands Protection Act) shall not apply.

Section 4 Permit Applications and Requests for Determinations

A Notice of Intent under MGL C. 131 Sec. 40 (Wetlands Protection Act) shall be filed with the Conservation Commission to perform activities regulated in this By-Law affecting resource areas protected by this By-Law. The Notice of Intent shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with the Order of Conditions issued pursuant to this By-Law and MGL C.131 Sec.40.

Any person desiring to know whether or not proposed activity or any area is subject to this By-Law may request a determination from the Commission. A Request for Determination of Applicability shall contain data and plans specified by the regulations of the Commission.

At the time of filing a Notice of Intent or Request for Determination, the applicant shall pay a filing fee specified in the regulations of the Commission or as specified in MGL C. 131 Sec 40 (Wetlands Protection Act and 310 CMR 10, as amended August 1989 and November 1989, whichever is larger). The Commission may waive the filing fee for a Notice of Intent or request filed by a government agency.

Section 5 Notices and Hearings

At the time any person files an application or Request for Determination with the Conservation Commission, he/she shall give written notice thereof, by certified mail to all abutters according to the most recent records of the Assessors, including those across a traveled way, a body of water, or a town line. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined by abutters. When a person requesting a determination is other than the owner(s), the request, the notice of the hearing and determination itself shall be sent by the Commission to the owner(s) as well as to the person making the request.

The Commission shall conduct a public hearing on any application or request for determination with written notice given by the applicant at the expense of the applicant, in a newspaper of general circulation in the Town (Taunton Gazette) at least 5 working days prior to the hearing.

The Commission shall commence with the public hearing within 21 days of recorded receipt of a completed application or Request for Determination and shall issue its determination in writing within 21 days of the close of said public hearing. An application or request may be rejected as incomplete by the Commission if the application or request is not filed with the applicable filing fee. In an appropriate case, the Commission may combine its hearing under this By-Law with the hearing conducted under MGL C.131 Sec. 40 (Wetlands Protection Act).

The Commission shall have authority to continue any hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion or comments and recommendations of other Town boards and officials. If the applicant objects to a continuation or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

Section 6 Determinations and Conditions

If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have significant or cumulative effect upon the wetland values protected by this By-Law, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for the activities proposed. If it issues a permit, the Commission shall impose conditions, which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for the following reasons:

- a. Failure to meet the requirements of this By-Law;
- b. Failure to submit necessary information and/or plans requested by the Commission;
- c. Failure to meet the design specifications, performance standards and other requirements in the regulations of the Commission;
- d. Failure to avoid or prevent unacceptable significant of cumulative effects upon the wetland values protected by this By-Law.
- e. Where no conditions would adequately protect the wetland values protected by this By-Law.

Due consideration shall be given to demonstrated hardship on the applicant or by reasons of denial, as presented at the public hearing.

A permit shall expire three years from the date issued. Any permit may be renewed once for an additional two-year period, provided that a written request for renewal is received by the Commission at least 30 days prior to the expiration date.

Any permit issued under this By-Law may be revoked or modified by the Commission for good cause after public notice, public hearings and notice to the holder of the permit.

In an appropriate case, the Commission may combine the permit with other action on an application issued under this By-Law with the Order of Conditions issued under the Wetlands Protection Act.

Section 7 Provisions

- a. All storm water detention basins shall include inlet and outlet elevations. The bottom of the detention basin shall be designed with a minimum separation distance of 2 feet between the maximum groundwater and the bottom of the basin. Where the bottom of the basin is designed to meet the recharge required for storm water management configured under 310 CMR 10.00 the separation distance shall be 4 feet. Locations for the 10, 25 and 100-year flood elevations must be noted on all plans accompanying an application for a permit filed with the RCC. Detention basins shall be located outside all protectable wetlands resources located on a site for which a permit is requested of the RCC. Plans filed with the RCC shall at a minimum include: cross sections and groundwater determination data for each detention basin proposed on a site. The RCC reserves the right to establish criteria to be used in establishing groundwater levels for sites requiring the use of detention basins as a means of storm water runoff volume and rate of runoff attenuation.
- b. DEP file number shall be visible on site at all times while work is being conducted.
- c. The RCC may in certain instances, retain an outside professional consultant to assist it in its evaluation of a project and its associated impacts on wetland resources. When, in the opinion of the RCC, the services of an outside professional consultant are necessary, it shall notify the applicant in order to arrange for the applicant to submit payment for the services of the consultant. This payment will be based on the consultant's estimate. All funds collected from an applicant for the services of an outside professional consultant shall be placed in an escrow account established by the Town Treasurer for that purpose. Any unused funds remaining upon completion of a project shall be returned to the applicant. The escrow account shall not accumulate any interest income on the principle. The applicant shall be advised of the need to deposit additional payment into the escrow account if the original payment proves to be insufficient to cover the services of the outside professional consultant. The escrow funds shall be over and above the ordinary filing fee required to be paid with an application. The RCC will not issue any decisions on an application for which the consultant's fees have not been paid in good funds.
- d. For any project that involves bordering vegetated wetlands (BVW) resource filling and replication, the RCC shall consider any prior work on site that may have involved BVW filling and replication, and shall consider the cumulative impact of all prior site activities as part of its evaluation of a project's viability. In no case shall the RCC approve any project for which the cumulative impact exceeds the allowable threshold, change in project proponent or property ownership notwithstanding. The RCC shall consider wildlife habitat and nesting value of the buffer zones associated with a BVW resource where filling of the resource is proposed.
- e. All building permit applications filed with the Raynham Building Inspector, where a proposed structure (including, but not limited to any applications for sheds with sona tubes, four-season rooms, garages, etc...) is located within one hundred (100) feet of bordering vegetated wetlands (BVW) or within the riverfront of a perennial waterway, shall require permit sign off by the RCC. Installation of stormwater management facilities and infrastructure within a riverfront area is allowed. However, the RCC shall consider the potential impact of constructing storm water management facilities within the riverfront when evaluating the aggregate impact of work inside the allowable alteration of ten (10) percent of the total riverfront area on a site.
- f. All building permit applications filed with the Raynham Building Inspector, where a proposed structure (including, but not limited to any applications for sheds with sona tubes, four-season rooms, garages, etc...) is located within one hundred (100) feet of bordering vegetated wetlands (BVW) or within the riverfront of a perennial waterway, shall require permit sign off by the RCC. Installation of stormwater management facilities

and infrastructure within a riverfront area is allowed. However, the RCC shall consider the potential impact of constructing storm water management facilities within the riverfront when evaluating the aggregate impact of work inside the allowable alteration of ten (10) percent of the total riverfront area on a site.

g. There shall be a 25 foot "***no activity***" buffer around a bordering vegetated wetland for all construction activities including but not limited to grading and brush dumping. This provision shall not apply to lots that have been created by deed or plan recorded in the Bristol County Northern District Registry of Deeds or the Registered Land Division of said Registry of Deeds prior to the adoption of this By-Law.

h. ***An interim Foundation as-built plan shall be required in all cases where a building foundation is proposed at a distance of less than sixty (60) feet*** from the boundary of an approved bordering vegetated wetlands (BVW) resource. A building permit other than a foundation permit shall not be granted until the Raynham Conservation Commission (RCC) receives and approves the interim foundation as-built plan. A foundation as-built plan shall include a setback distance from the BVW.

i. All plans submitted to the RCC for its review and approval shall include a reference to the subject property by street address. If no street address is available for the subject property, the plan shall include a reference for the addresses of at least two abutting properties lying adjacent to the property in question.

j. At least three (3) business days prior to the first hearing date; the applicant shall stake out the project area in the field. The two front corners of the project site must be staked and the site identified with a temporary sign noting the Map and Parcel number, and where applicable, the appropriate street address.

k. All BVW delineation flags shall be numbered sequentially in the field. The flag numbers shall also be noted on each plan filed with the Raynham Conservation Commission.

l. All permanent BVW boundary markers as required in an Order of Conditions (OOC) issued by the RCC shall be installed in accordance with the following specifications: Permanent BVW boundary markers shall be constructed of a 2inch diameter schedule 40 PVC pipe material or approved alternative material; the markers shall be spray-painted green, capped and installed with a minimum buried depth of three (3) feet, and no more than one foot (1 ft.) above the surface elevation of the adjoining ground. The permanent markers shall be installed with a maximum spacing of thirty (30) feet between any two markers in series.

m. Should have evidence that a one hundred (100) foot jurisdictional/protective buffer zone shall be established around the boundaries for all certified and potential vernal pools with a storage volume equal or greater than one-quarter acre-foot during wet seasons (December-April).

n. Except as otherwise approved by the RCC, erosion control barriers shall be installed no closer than twenty-five (25) feet to the boundary of an approved BVW. The 25 foot boundary shall not apply to lots created by deed or plan recorded in the Bristol County Northern District Registry of Deeds or the Registered Land Division of said Registry of Deeds prior to the adoption of this By-Law.

Erosion control barriers shall be in a form approved by the RCC during public hearings regarding the project. For the purpose of establishing the applicable erosion control barrier configuration to be employed at a given site, each plan filed with the RCC shall include a slope detail indicating the general ground surface slope(s) in percent or as a ratio. Erosion control barriers shall be regularly inspected and maintained and repaired as necessary throughout the construction phase by the applicant. All erosion control barriers shall remain in place throughout construction and may only be removed when all disturbed surfaces have been adequately stabilized. Stabilization shall only be evidenced by the issuance of a Certificate of Compliance (COC) by the RCC.

o. In-ground swimming pools within the 100-foot buffer zone of a BVW resource or a vernal pool shall be installed with cartridge filters. Surface discharge or backwash water shall not be allowed.

p. Except for individual single family projects, all plans must be prepared, stamped and presented by a registered engineer, registered land surveyor, or registered sanitarian as appropriate. All stamps and signatures shall be made with wet original ink.

Section 7-1 Regulations

After public notice and public hearing the RCC shall promulgate rules and regulations to further define this by-law. Failure of the RCC to promulgate such rules and regulations or to have a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

a. The fine schedule for wetland infractions, to include filling and disturbing, is \$100 per day. Payment not received within 30 days from date of issuance of the fine for wetland violations shall result in a stop work order being issued on the subject property. The stop work order shall include the fine to be paid and shall be recorded at the Registry of Deeds. Proof of recording shall be supplied to the (RCC). The owner shall be notified prior to the issuance of a stop work order (stop work order will only be applicable on an actual filing initiated by the applicant.) For unauthorized activities or work being conducted without a valid Order of Conditions (OOC), or work being conducted in violation of an OOC, the recording instrument should be in the form of an Enforcement Order (EO) or a Cease and Desist Order (CDO).

b. At the time an application is filed with the RCC, **3 copies** of the site plan shall be submitted with the application for individual single family projects; all other projects will be required to provide **6 copies** of the site plans.

c. Fees may be established by the RCC and amended, in consultation with and approval of the Board of Selectmen. No such fees shall be implemented unless a public hearing is held to discuss said fees.

d. Any Notice of Intent (NOI) filing that includes a wetland resource delineation that has not been verified by the RCC through an ANRAD review process shall require an additional local by-law fee payment by the applicant, based on the fee schedule documented in the Fee Schedule.

e. A locus plan drawn at a scale of not less than one inch to 1,000 feet shall be included on every plan submitted for review and approval by the RCC. Plans showing the details of proposed work must be drawn to scale in accordance with the following schedule: ***Individual lot/site development plans*** must be drawn to a scale of ***1 inch = 20 feet***; ***subdivision plans must be drawn to a scale of 1 inch = 40 feet***. Each application filed with the RCC shall be submitted with 3 copies of the site/subdivision plan(s) for all individual single family projects all other projects will require 6 copies of the plans. All submittals must be received in the RCC's office no later than two weeks prior to a scheduled hearing date.

f. Deadlines for all applications are 12 Noon on the Monday two weeks before the scheduled Conservation Commission Meeting.

Section 8 Definitions

The following definitions shall apply in the interpretation and implementation of this By-law:

The term "person", shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town By-Laws, administrative agency, public or Quasi-public Corporation or body, the Town of Raynham and any other legal entity, its legal representatives, agents or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this By-Law:

- a. Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind.
- b. Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, and sedimentation patterns, flow patterns of flood retention characteristics;
- c. Drainage or other disturbance of water level or water table;
- d. Dumping, discharging or filling with any material which may degrade water quality;
- e. Placing of fill, or removal of materials, which would alter elevation(s);
- f. Driving of piles, erection, alteration or repair of buildings or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life including cutting of trees;
- i. Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- j. Any activities, changes or work, which may cause or tend to contribute to pollution of any body of water or groundwater.

Section 9 Security

As part of a permit issued under this By-Law; in addition to any security required by any other Town or State board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below;

- a. By proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission;
- b. By 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 the Town of Raynham whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Section 10 Enforcement

The Conservation Commission, its Agent, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this By-Law, its regulation, and permits issued hereunder by violation notice, cease and desist orders, administrative orders and civil and criminal court actions.

Upon request of the Commission, the Board of Selectmen and the 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.

Town boards and officers, including any police officer or other officer having police powers, shall have the authority to assist the Commission in enforcement.

Any person who violates any provision of this By-Law, regulations there under, or permits issued there under, shall be punished by a fine of not more than \$300.00. Each offense and each provision of the By-Law, regulations, or permit violated shall constitute a separate offense. Each day of continued non-compliance constitutes a new offense.

In the alternative to criminal prosecution, the Commission may elect to utilize the noncriminal disposition procedure set forth in MGL Ch.40 S 21D.

Section 11 Burden of Proof

The applicant for a permit shall have the burden of proof by a preponderance of the credible evidence that the work proposed on the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this By-Law. 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.

Section 12 Certificate of Compliance

A Certificate of Compliance shall be issued by the Conservation Commission upon the request of the applicant or property owner after construction has been completed in accordance with the applicable Order of Conditions. Request for such Certificate must be filed with the Commission in writing at least 15 days prior to the next regularly scheduled hearing of the Commission at which it may consider the request. All incomplete requests for Certificates of Compliance shall not be considered by the Commission. All applications for Certificates of Compliance are encouraged to review their Orders of Conditions prior to filing any request in order to verify they have met the requirements for the filing of a Certificate of Compliance.

Section 13 Relation to the Wetlands Protection Act

This By-Law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the House Rule Statutes, independent of MGL Ch. 131 S40 (The Wetlands Protection Act) and regulations there under.

Section 14 Severability

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination, which previously has been issued.

Section 15 Appeals

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L., c.249, s. 4.

2/18

By-law relating to the Non-Payment of Taxes

(a) The tax collector shall annually, **and may periodically**, furnish to each Department head, 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.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector **or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from 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 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 proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) 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.

(d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage

licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.”

Note: Chapter 218 of the Acts of 2016, known as the Municipal Modernization Act, amended Ch. 40 Sec. 57, the provisions of which, the Town accepted at the Special Town Meeting of February 5, 1991. Section 2/18 “By-law relating to the Non-Payment of Taxes” was the result of such acceptance. In order to benefit from recent changes ratified by the State Legislature, the Town needs to amend the previously accepted by-law.

2/19 MOBILE HOME PARKS RENT CONTROL AND DISCONTINUANCE OF PARKS

Section I. Purpose

The purpose of this By-law is to provide, pursuant to the provisions of Chapters 7 and 8 of the Acts of 1993 (the "Acts"), for the regulation of rents for the use or occupancy of mobile home park sites in the Town, for the regulation of the discontinuance of mobile home parks, and for the establishment of a rent control board with the powers and duties prescribed herein.

Section 2. Definitions.

For the purposes of this By-law, the following words shall, unless the context otherwise requires, have the following meanings:

- a. "Rent Board", the Mobile Home Park Rent Control Board established therein.
- b. "Mobile Home", a dwelling unit built on a chassis or frame and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.
- c. "Mobile Home Park", a park licensed by the Board of Health pursuant to M.G.L., Chapter 140, Section 32B provided, however that a resident owned mobile home park shall not be regulated by this by-law.
- d. "Rules and Regulations", rules and regulations promulgated by the Board.
- e. "Discontinuance", any change of use or discontinuance of the use or part or all of the land owned and licensed as a mobile home park requiring a two year notice pursuant to Subsection 8 of Section 32L of Chapter 140 of the General Laws. The term "discontinuance" shall include, but not be limited to, the Licensee's conversion of the mobile home park or part thereof to a condominium or cooperative corporation, unless said condominium or co-operative is at least 51% owned by tenants after such conversion.
- f. Site(s) shall mean the land underneath a mobile home and the associated lot rented from the mobile home park owner or licensee or in the event that the owner of the mobile home park or licensee owns the mobile home, the actual mobile home and associated lot.

Section 3. Mobile Home Park Rent Control Board.

There is hereby established a Mobile Home Park Rent Control Board consisting of three (3) members appointed by the Board of Selectmen for a term of three (3) years, provided, however that of the members first appointed

to the Board one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, and one (1) shall be appointed for a term of three (3) years. Thereafter, the Board of Selectmen shall appoint each successor to a term of three (3) years. Any vacancy occurring otherwise than by expiration of a term shall be filled by the Board of Selectmen for the unexpired term. The officers of the Board shall be elected annually by its members. No member of the Board shall be a mobile home park owner or a mobile-home park tenant, have any interest, direct or indirect, in said mobile home park or be a licensee of a mobile home park.

Section 4. Powers and Duties.

The Rent Board shall have the following powers and duties:

a. The Rent Board shall regulate rents and minimum standards for the use of occupancy of mobile home park sites and shall regulate the evictions of tenants therefrom. The Rent Board shall act in the manner provided for herein on an application for a discontinuance permit submitted to the Board of Selectmen.

b. The Rent Board shall have all powers necessary or convenient to perform its functions; may make rules and regulations, may require registration by owners of mobile home park sites; may require information from said owners, under penalty of perjury, relating to their mobile home park sites; may sue and be sued may compel the attendance of persons and the production of papers and information; and may issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park sites.

Section 5 . Standards for Adjusting Rents.

a. The Rent Board, in regulating rents, may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park sites are established at levels which yield to owners a fair net operating income for such units and to tenants, reasonable Site rents based on current economic conditions. Application for Site rent changes may be made by both licensees and tenant(s) of mobile home parks in the Town of Raynham. Any application for change in Site rents made by tenants may not be used as a premise for increasing rents or other charges.

b. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the rental value of the property in question equal to the average consumer price index rate increases over the last successive twelve (12) month period immediately prior to the date of application for increase or such other rates of return as the Rent Board on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

c. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Rent Board, on the basis of evidence presented before it, deems more appropriate to the circumstances 9th case.

d. The Rent Board may establish further standards and rules consistent with the foregoing.

Section 6. Summary Process.

The Rent Board may adopt rules regulating the evictions of tenants at mobile home parks, and the Rent Board may issue orders which shall be a defense to an action of summary process for possession.

Section 7. Discontinuance Permits

- a. It shall be unlawful for any person to discontinue the use of part or all of the land owned and licensed as a mobile home park without having first obtained a discontinuance permit from the Board of Selectmen subject to the provisions contained in the Acts and this By-law.
- b. The Board of Selectmen shall consider an application for a discontinuance permit upon receipt of such application from the licensee or other authorized person. The Board of Selectmen shall forward such application within fourteen (14) days to the Rent Board.
- c. The Rent Board shall schedule a public hearing within sixty-five (65) days of its receipt of the application and take written and oral testimony at such hearing. Notice of the time and place of such public hearing and of the subject matter thereof, sufficient for identification shall be published in a newspaper of general circulation in the Town of Raynham once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the date of the public hearing, and shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing. The Rent Board shall also notify all tenants living in the affected mobile home park sites of the time, place and subject matter of the public hearing. No defect in the form of any notice under this Section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.
- d. No vote shall be taken by the Board of Selectmen to grant or deny discontinuance permit until a report with recommendations by the Rent Board has been submitted to the Board of Selectmen or twenty- one (21) days shall have elapsed after such hearing without the submission of such report. After such notice, hearing, and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, the Board of Selectmen may vote to grant or deny the discontinuance permit. If the Board of Selectmen fails to vote on the discontinuance permit within ninety (90) days after such hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided for above.
- e. No discontinuance permit may be granted except by a majority vote of the Board of Selectmen.
- f. Notwithstanding any other provision of this Section, the Rent Board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with regard to the discontinuance of a mobile home park within the preceding twelve (12) months, and if the park licensee fails in the new application to allege a substantial change of circumstances (as such term is used herein) since the previous hearing which would merit the hearing of new evidence by the Rent Board. In addition, the Rent Board may recommend denial of the discontinuance permit without holding a hearing if the application is not in conformance with requirements of this Section or other applicable regulations.
- g. In determining whether to recommend that the Board of Selectmen grant or deny a discontinuance permit, the Rent Board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park sites in the Town of Raynham which may result from the discontinuance especially for tenants of low and moderate income and handicapped or elderly persons on fixed incomes. In making such determination, the Rent Board shall make findings of the following factors:
- (1) the benefits and detriments to the persons whom the Acts and this By-law seek to protect;
 - (2) the hardships imposed on the tenant residing in the mobile home park sites proposed to be discontinued;
 - (3) circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;
 - (4) the rate of vacancy of mobile home park sites in the Town of Raynham at the time the licensee applies for a discontinuance permit and the average rental rates for the available sites;

(5) the availability of land zoned and otherwise suitable for the development or expansion of mobile home parks.

(6) whether the mobile home park owner or licensee has acted in good faith in proposing the discontinuance of its/his/her mobile home park.

(7) the availability of alternative ownership forms for the mobile home park (whether resident owned or sale to third party) requested to be discontinued, and in light of same, determining circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit.

The Rent Board in its discretion may also review other relevant factors in making its report and recommendations.

For purposes of the Acts and this By-law, the "vacancy rate" shall be defined as that percentage of the mobile home park sites which are empty of mobile homes and are completely permitted and are offered for rental to mobile home tenants. Further, to be considered a "vacancy" the rental offer of the mobile home park sites must be without entrance fee; without restrictions as to the age, size or character of the mobile home; and without a requirement that the prospective tenant purchase a mobile home from the park owner.

In its report, the Rent Board shall determine the current vacancy rate for comparable mobile home park sites in the Town of Raynham. Any parties involved may submit evidence to the Board at the public hearing.

h. The licensee or applicant seeking a discontinuance permit must make application to the Board of Selectmen for such permit within thirty (30) days of serving the tenants with the notices required under the provisions of Subsection 8 of Section 32L of Chapter 140 of the General Laws, or any successor statutory authority, or within 30 days from the effective date of this by-law if said notice has already been served, and is prior to the effective date of discontinuance.

i. No eviction certificate shall be issued by the Rent Board because of the discontinuance of the use for all or part of a mobile home park unless a discontinuance permit has been issued by the Board of Selectmen.

j. This By-law shall not apply to mobile home parks which have sent out notices of a change of use or discontinuance under the provisions of Subsection (8) of Section 32L of Chapter 140 of the General Laws prior to February 5, 1993; provided, however, that this By-law shall apply to any mobile home parks which send out new or amended notices of change of use or discontinuance pursuant to the provisions of said Subsection (8) of said Section 32L subsequent to February 5, 1993.

Section 8. Judicial Review.

a. The provisions of Chapter 30A of the General Laws shall be applicable to the Rent Board as if the Board were an agency of the Commonwealth of Massachusetts, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas and those provisions relating to judicial review of an agency order.

b. The provisions of Chapter 30A of the General Laws relating to judicial review of an agency order shall be applicable to a decision and order of the Board of Selectmen granting or denying a discontinuance permit under the provision of Section 7 therein.

c. The Taunton Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court Department, of all petitions for review brought pursuant to Section 14 of Chapter 30A of the

General Laws. Any and all parties aggrieved by the action(s) of the Rent Board may institute an action as provided herein.

d. The Superior Court Department and the Housing Court Department shall have jurisdiction to enforce the provisions of this By-law and may restrain violations thereof.

Section 9. Penalties.

Violations of this By-law or any order of the Rent Board shall be punishable a fine of not more than one thousand dollars (\$1,000.00) for anyone (1) offense.

Section 10. Severability.

If any provision of this By-law shall be held invalid, the validity of the remainder of the By-law shall not be affected thereby; additionally, the invalid provision shall be interpreted and applied until amendment by the appropriate body to the fullest extent applicable under Massachusetts law and regulations.

2/20 Secondary Articles By-Law

Section 1. Junk, Old Metal Antiques and Secondary Articles

License-Required for dealers or shop-keepers for junk, old metal, antiques or secondary articles.

No person or corporation shall store or keep for sale, or be a keeper of a shop for, or be a dealer in the purchase or sale or barter of coins minted by the United States government or other sovereignty, or metal of any composition including, but not limited to, gold or silver, or antiques, or junk or second-hand articles, unless duly licensed therefore by the Board of Selectmen.

Section 2. Purchases from minors prohibited: period of time purchases to be held: penalty for violations.

(a) No person who holds a license under the provisions of this By-law shall directly or indirectly purchase or receive by way of barter or exchange any of the articles mentioned in Section 1, from any minor, knowing or having reason to believe him to be such. Further, no article purchased or received by such person in management of his business shall be sold by him until a period of at least two (2) weeks from the date of its purchase or receipt by him shall have elapsed.

(b) Any violation of the foregoing shall be a valid reason for immediate revocation of said license at the pleasure of the Board of Selectmen.

Section 3. Record book required: penalty for violations.

(a) All persons, including corporations, licensed to store or keep for sale or licensed as collector of, or dealers in, or keepers of shops for the purchase, sale or barter of coins minted by the United States of America or other sovereignty, or metal of any composition including but not limited to gold or silver, or scrap copper line wire, or antiques or junk, or secondhand articles, shall keep a bound book with pages numbered consecutively. At the time every purchase or receipt of any such article, an entry shall be made in said book, legibly written or printed in the English language, giving a detailed description of the purchase or receipt, the quantity purchase, the

purchase price the date of purchase, the name, age, residence (street, number, city or town of the sellers, and the registration number of the seller's motor vehicle). If the seller is not the owner of a registered motor vehicle, the subject's motor vehicle operator license shall be recorded.

(b) It shall be the licensee's responsibility to require satisfactory identification of the seller.

(c) Said bound book shall be kept by the licensee for at least one year from the date of the last entry recorded in same.

(d) Any violation of the foregoing shall be a valid reason for immediate revocation of said license, at the pleasure of the Board of Selectmen

Section 4. Books and shops to be open for inspection: alteration of entries in record book.

No record in the record book required by Section 3 shall be changed, erased obliterated or defaced and such book, every such shop, every such shop and all articles of merchandise therein shall at all times be open for inspection by any member of the Board of Selectmen, Chief of Police, and any Police Officer of the Department.

2/21 Pawnbroker By-Law

Section 1. License required: application for license, fee term of license.

The Board of Selectmen shall license suitable persons to be pawnbrokers. Applications for such license shall be filed at the office of the Town Clerk and shall be referred to and reported upon by the Police Department. The Town Clerk shall issue such licenses authorized by the Board of Selectmen upon payment of a fee \$100.00. Each such license shall run for a period of one year and expire upon the anniversary date of issuance. No license shall be issued until the applicant has posted the bond required by M.G.L., C. 140, Sec. 77.

Section 2. Record book to be kept: furnishing information to subject's motor vehicle operator licensing authorities; penalties for violations.

(a) Every pawnbroker shall keep a bound book with pages numbered consecutively in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of articles pawned, the amount of money loaned the time of pawning them, the rate of interest to be paid on such loan, and the name, age, residence, including the street, number, city or town and the registration number of the vehicle used by the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or more frequently if required to the licensing authorities or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.

(b) It shall be the licensee's responsibility to require satisfactory identification of the person pawning such article.

(c) Said bound book shall be kept by the licensee for at least one year from the date of the last entry recorded in same.

(d) Any violation of any provision of this article shall be a valid reason for immediate revocation of said license at the pleasure of the Board of Selectmen.

Section 3. Memorandum of loan to be given.

Every pawnbroker shall, at the time of making such loans, deliver to the person who pawns any article, a memorandum or note signed by him and containing the substance of the entry required by those set forth in Section 2. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.

Section 4. Interest rate.

(a) Every pawnbroker shall, at the time of making such loans, completely disclose the interest rate to be charged on said loan, and in no event shall a pawnbroker charge or receive an interest rate greater than that set by the Board of Selectmen. The Board of Selectmen shall adopt and may from time to time amend the interest rates which pawnbrokers may receive for money lent.

(b) Any pawnbroker who violates any provision of this or the preceding sections shall be punished in accordance with the provisions of Massachusetts General Laws, Chapter 140.

Section 5. Transaction with minors prohibited: penalty for violations.

(a) No person who holds a license under the provisions of this By-law nor any of his employees or agents, shall, directly or indirectly, conduct any transactions with any minor, knowing or have reason to believe him to be such. It shall be the licensee's responsibility to require satisfactory proof of age.

(b) Any violations of this section shall be a valid reason for immediate revocation of said license at the pleasure of the Board of Selectmen.

Section 6.

The Board of Selectmen may make, and from time to time amend, rules and regulations concerning the subject matter of By-law.

Section 7.

In addition to the provisions of this By-law, all pawnbrokers shall abide by and be subject to the provisions of Massachusetts law relating to pawnbrokers.

(A.G. Approval 19-9-92)

2/22 Street Opening By-law

The "Street Opening By-Law" seeks to ensure that streets are restored to their original condition following excavation work. The "Street Opening By-Law" requires that the utilities or others excavating streets or sidewalks obtain a permit prior to under-taking street excavation work. The proposed street opening ordinance establishes minimum requirements for restoration work while allowing excavators to select from among several approved methods for street restoration. Compliance with the minimum requirements is ensured by requiring that excavators provide a refundable deposit prior to undertaking street excavations. The deposit is returned once the restoration work passes inspection. If the work is deemed sub-standard, the Town may apply the deposit to the cost of completing the work. Full text is found in Addendum I:

2/23 Public Works Construction License By-law

The “Public Works Construction License By-law” is a companion of the “Street Opening By-Law”. The “Public Works Construction License By-Law” sets out licensing requirements for individuals or companies who wish to undertake street excavation or repair. Under the “Street Opening by-Law”, companies may only use contractors who possess licenses issued by the Town Pursuant to the “Public Works Construction License By-Law”. Full text is found in Addendum II.

2/24 Development of Property Abutting Town Ways By-Law

(Amended 5/17/03 bold print)

Section 1: Purpose

The purpose of this By-Law is to mitigate the cost to the Town of Raynham to repair town ways and their associated drainage and other town maintained utility structures as a result of construction work being performed on private property abutting town ways.

Section 2: Application

A. Any person who wishes to construct a building (as that term is defined in the Massachusetts State Building Code) on a lot or lots in private ownership abutting a town way shall, before any site or other construction work is commenced, make application to the Town of Raynham Highway Department for a permit for such construction. The permit application form shall be available during regular working hours at the Town of Raynham Highway Department.

B. The applicant shall submit with the application form a cash bond in the amount of \$2,000 **per residential lot and an amount for a commercial development which is determined by the following formula: number of acres on the property times \$2,000 or \$6,000.00, whichever is greater** for which a receipt shall be given. The cash bond shall be held in a separate interest bearing account by the Town of Raynham Town Treasurer, subject to withdrawal in accordance with this By-Law, until such time as the Raynham Highway Department has authorized the return of the cash bond or any portion thereof.

Section 3: Administration

A. The applicant shall give written notice, in advance, to the Raynham Highway Department stating the date of commencement of construction work.

B. The applicant shall give written notice to the Raynham Highway Department of the date of completion of construction work at the site.

C. In the event the Raynham Highway Department determines that a town way and/or appurtenant drainage or other town maintained utility structures need repair as a result of the construction work regulated in this By-Law, the Raynham Highway Department shall notify the applicant in writing of the remedial work to be undertaken. If the applicant has not substantially completed the remedial work requested by the Highway Department within three days subsequent to the date of written notification, the Raynham Highway Department is authorized to draw upon the cash bond funds to carry out, or authorize others to carry out, the remedial work. In the event of an immediate safety hazard, the Raynham Highway Department is authorized to carry out, or

have others carry out, the remedial work without prior written notification to the applicant, and the Raynham Highway Department is further authorized to draw upon the cash bond funds to pay for the remedial work.

D. In the event the Highway Department has utilized all or any portion of the cash bond to carry out the work specified in this By-law, the Highway Department shall notify the applicant in writing of the amount of money which has been spent to remediate unsatisfactory conditions in accordance with this By-law; and the applicant shall replenish the cash bond account to its original amount within 30 days subsequent to the letter notifying the applicant of the amount of the expenditure. Failure to replenish the cash bond account to its original amount shall be grounds for the Highway Department to confiscate the balance of the cash bond account and/or grounds for the Town to bring a civil action against the applicant to replenish the cash bond account to its original amount.

E. The applicant may file a written request with the Raynham Highway Department to release the then remaining balance of cash bond funds after the following have occurred:

1. Completion of on-site construction.
2. Stabilization of the soils at the site.
3. All damage to town ways and/or their appurtenant drainage or other town maintained utility structures has been repaired.

Upon written approval of the Raynham Highway Department, through the Highway Superintendent or his designee, the remaining balance of cash bond funds shall be returned to the applicant, together with any accrued interest. Payment will be made in the normal disbursement cycle; provided, however, that such disbursement shall take place within 30 days subsequent to the written approval by the Town of Raynham Highway Department to disburse the cash bond funds.

Section 4. Miscellaneous

A. The invalidity of any section or part of the By-Law shall not affect the validity of any other section or part otherwise valid.

2/25 Discharge of Paint Ball Guns

No person shall discharge a paint ball gun into, from or across any public way, or any way to which the public has a right of access; nor shall any person discharge a paint ball gun into, upon or from any private property without the express permission of the owner(s) or person(s) in control of the private property. Whoever violates this sub-section may be punished by a fine of not less than one hundred (\$100) and not more than two hundred dollars (\$200). A second or subsequent offense shall be punished by a fine of not less that (\$200) and not more than three hundred dollars (\$300).

“Paint Ball Gun” – an instrument or implement capable of propelling and project a projectile by means of air pressure or other means of propulsion which projectile leaves a distinguishing mark, stain or color upon impact which may be indelible or may be temporary in nature. (Adopted November 20, 2000)

2/26 Interference with Mail Delivery

Within the Town of Raynham, vehicles may not park within twelve (12) feet on either side of a fixed mailbox, which results in blocking or impeding the delivery of U.S. Mail. A complaint arising from violation of this By-Law will result in the issuance of a warning. Second and subsequent violations shall be punishable by a fine of Fifty (\$50) dollars. (Adopted November 5, 2001)

2/27 Alarm By-Law

PREAMBLE—It is determined that the number of false alarms being made to the Police Department hinders the efficiency and promoted safety problems to the department. This situation constitutes a danger to the general public, homeowners, businesses, and the police. The adoption of this By-Law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Raynham.

Definitions

The term “Burglar Alarm System” means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire Alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or larceny at a premises are specifically excluded from the provisions of this By-Law. The provisions of Section C of this By-Law shall apply to all users.

The term “False Alarm” means (a) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents; (b) any signal or automatic dialing device transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery, burglary, larceny, or attempted threat. For the purposes of this definition, activation of alarm systems by acts of god, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances, or alarms activated while there is an on-duty police officer present shall not be deemed to be a false alarm.

The term “Automatic Dialing Device” refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

Control and Curtailment of Signals Emitted by Alarm Systems.

Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Raynham Police Department of any changes in the list of authorized employees or other persons to respond to alarms.

All alarm systems installed after the effective date of this By-Law which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Raynham must have a shut-off device installed within six (6) months of passage of this By-Law.

Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7:00 PM and 6:00 AM which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph one (1) of this section and which disturbs the peace, comfort, or repose of a community, a neighborhood, or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph one (1) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

No alarm system which is designated to transmit emergency messages or signals of intrusion to the Police Department, will be tested until the Police Dispatcher has been notified.

The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

Every business establishment within the Town of Raynham, whether alarmed or not, shall provide written notice to the Chief of Police listing the names, addresses, and telephone numbers of at least two (2) persons who may be reached at any time, day or night, and who are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.

Penalties

The user shall be assessed twenty-five (25) dollars as a false alarm service fee for each false alarm in excess of six (6) occurring within a calendar year. The Police chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation and said user shall submit payment with fifteen (15) days of said notice to the Town Treasurer for deposit to the General Fund.

The owner of a system which occasions ten (10) or more false alarms within a calendar year or fails to pay the fine after said notice may be ordered to disconnect and other-wise discontinue the use of the same by the Board of Selectmen after a public hearing.

Whoever fails to comply with Section B, Paragraphs one (1), two (2), three (3), four (4) or six (6) shall constitute violations of this By- Law punishable by fines of up to fifty dollars (\$50).

2/28 Fire Alarm Systems for Commercial Buildings

This By-law was disapproved by the Attorney General. (July 26, 1993)

2/29 Recall Election

Section 1. Any holder of an elected office in the Town of Raynham may be recalled therefrom by the registered voters of the town as herein provided, except, the maximum number of members of a board that may be recalled is a majority.

Section 2. Any twenty-five registered voters of the town may initiate a recall petition by filing with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for

recall. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the Town Clerk, with his signature and official seal attached thereto. They shall be dated, shall be addressed to the Selectmen and shall contain the names of all the persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within twenty days after filing the affidavit, and shall have been signed by at least twenty-five percent of the registered voters of the town, who shall add to their signatures the street and number, if any, of their residences. The Town Clerk shall within twenty-four hours of receipt submit the petition to the Registrars of Voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the town.

Section 3. If the petition shall be found and certified by the Town Clerk to be sufficient he shall submit the same with his certificate to the Selectmen within five working days, and the Selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after the date of the certificate the Selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

Section 4. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

Section 5. The incumbent shall continue to perform the duties of this office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not re-elected in the recall election, he shall be deemed removed upon the qualifications of his successor, who fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Section 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by Section forty-two of Chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provision of law relating to elections. If two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

Section 7. No recall petition shall be filed against an officer within

ninety days after he takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which time his recall was submitted to the voters of the town.

Section 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within one year after such a recall or such resignation.

2/30 Capital Improvement Planning Committee

Section 1. There shall be a Capital Improvement Planning Committee, hereinafter referred to as “the Committee,” which shall be charged with planning and making recommendations on the Town’s future capital projects, programs, improvements, acquisitions and the funding thereof.

The Committee shall consist of eleven members as follows: the chairmen, or their designees, of the ~~Board of Selectmen~~ Planning Board, Zoning Board of Appeals, Finance Committee, and Business and Economic Development Committee; ~~two (2)~~(3) three citizens, who shall be registered voters of the Town and other than Town officers, who shall be appointed annually by the Board of Selectmen for a term of one year; and, the following who shall be ex officio, non-voting members: the Town Administrator, Town Planner, Town Accountant and Town Treasurer. The members of the Committee shall serve without salary.

Section 2. The Committee shall choose its own chairman and vice-chairman and may employ, subject to an appropriation therefor, a secretary. The Board of Selectmen shall fill the unexpired term(s) created by the resignation, removal from Town, death, failing to qualify, or otherwise, of a citizen appointed to the Committee.

Section 3. The Capital Improvement Planning Committee shall study proposed capital projects, programs, improvements and acquisitions having a useful life of at least three (3) years and a cost of ten thousand dollars (\$10,000.00) or more. In considering capital funding requests and making its recommendations, the Committee shall consider the relative need, benefit, timing and cost of the requested capital items and the effect each will have on the Town and its financial condition. The recommendations shall be those of a majority of the voting members of the Committee, but this shall not be construed to prevent recommendations of a minority as such.

Section 4. All officers, departments, boards and committees, including the Board of Selectmen, shall give to the Committee, by a date established and on a form prepared by it, information concerning all capital projects, programs, improvements and acquisitions anticipated by them as needing Town Meeting action, pursuant to this bylaw, during the next ten (10) years. The Committee shall consider all capital requests and may confer with any Town officer, department, board or committee and hold hearings, if they deem it advisable. Said Committee may, at anytime, request any additional data it feels it needs in order to fulfill its responsibilities.

Section 5. The Committee shall, based on the information received by it, prepare and publish a Capital Improvement Plan, hereinafter called “the Plan,” which presents the Committee’s recommendations on the Town’s capital needs, timing, expenditures and funding sources for a period of ten (10) years. The Committee shall update the Plan as needed on a yearly basis. A new ten (10) year plan shall be prepared and published by the Committee every five (5) years; thereby insuring that the Town shall always have in place a report on its future capital needs covering a period of no less than five (5) years.

Section 6. Annually the Committee shall, based on the information in the Capital Improvement Plan, submit its recommendations to the Town for a Capital Improvement Budget (the “Budget”) for capital expenditures and the recommended sources of funding for the then current fiscal year. Said recommendations shall be submitted in time to be considered at a Special Town Meeting annually in the fall of each year, at a date and time to be determined by the Board of Selectmen. No capital projects, programs, improvement or acquisitions, as defined

in this bylaw, shall be included on the warrant for any Town Meeting unless it is first included in the Committee's Budget for the then current year or determined by the Board of Selectmen to be of an emergency nature.

Notwithstanding the above paragraph, projects so voted by a majority of each of following –the Board of Selectmen, Finance Committee and Capital Planning Committee- may appear on the Annual Town Meeting warrant or on a Special Town Meeting warrant.

(September 13, 2005, Special Town Meeting, Article 28)

Section 7. The Committee's Capital Improvement Plan, Budget and recommendations thereon shall be published and distributed in a manner consistent with the report and recommendations of the Finance Committee.

2/31 BY-LAW PROHIBITING FEEDING OR BAITING WATER FOWL

Section 1. Feeding or baiting prohibited; emergency feeding

No person, except the Director of the Massachusetts Division of Fisheries and Wildlife or his or her agent or designee, as authorized pursuant to M.G.L. c. 131, shall feed or bait any waterfowl of the family Anatidae (including but not restricted to ducks, geese and swans) on any public property within the Town of Raynham. As used in this subsection, "feeding" and "baiting" shall mean the placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attraction or enticement to, on or over any such areas where such feed items have been placed, exposed, deposited, distributed or scattered.

Notwithstanding any of the above, the Director of the Massachusetts Division of Fisheries and Wildlife or his or her agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his or her opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he or she deems necessary and expedient, but such means shall include the immediate notification of the Selectmen.

Section 2. Violations and penalties; enforcement

a. Any person who violates the provisions of this by-law shall be subject to a penalty of \$25.00 for the first offense, and \$50.00 for the second and each subsequent offense

b. This by-law shall be enforced and administered pursuant to the provisions of M.G.L. 40, sec. 21D for the use of non-criminal disposition of violations. The persons who are empowered to enforce the provisions of this by-law are Town of Raynham police officers, agents of the Town of Raynham Board of Health, agents of the Town of Raynham Park and Recreation Department and enforcement officers of the Division of Law Enforcement.

Section 3. Copies to State Officers

Upon approval of this by-law, the Selectmen shall cause one copy thereof to be mailed to the Director of the Division of Fisheries and Wildlife and one copy to be mailed to the Director of the Division of Law Enforcement. (Adopted November 22, 2002)

2/32 PARKING ON SIDEWALKS PROHIBITED

No person shall park his motor vehicle on any paved sidewalk in the Town.
Any person violating this section shall be punished by a fine of \$25.00 for each offense.
(Adopted November 18, 2003)

2/33 Snow & Ice Removal

The Town is not responsible for damage incurred to mail boxes, fences, trees, shrubs and/or other obstructions located within the Town layout, resulting from snow removal. (Adopted May 17, 2004)

2/34 By-Law Prohibiting the Use of Gas-Powered Scooters, Powerboards, All-Terrain Vehicles and Mini-Motorbikes

- a. Definition: This section refers to scooters, powerboards, all-terrain vehicles and mini-motorbikes that have handlebars, that have two or more wheels, that are designed to be stood upon or sat upon by the operator, and that are gas-powered by an engine or motor capable of propelling the vehicle with or without human thrust. Excluding wheelchairs and vehicles, which are medically necessary.
- b. Prohibition from Sidewalks. No person may use, ride or otherwise operate a gas-powered scooter, powerboard, all-terrain vehicle or mini-motorbike on a sidewalk of the Town of Raynham.
- c. Prohibition from Streets. No person may use, ride or otherwise operate a gas-powered scooter, powerboard, all-terrain vehicle or mini-motorbike on a public way, private way, street or on the grounds of any public school on any Town-owned property in the Town of Raynham unless that person is sixteen (16) years of age or older and is carrying a valid driver's/operator's license.
- d. Penalties. Any person violating the provisions of this By-law shall be subject to a fine of twenty-five dollars and no cents (\$25.00) for a first offense and fifty dollars and no cents (\$50.00) for a second or any subsequent offense, but a court of competent jurisdiction may substitute community service for any fine monies.
- e. Exceptions. Nothing in these sections shall prevent the legal use of (i) any mechanical or motorized device designed and used to assist a person with a disability affecting ambulation, (ii) a moped that has been registered with the Massachusetts Registry of Motor Vehicles and (iii) a motorized bicycle that has been registered with the Massachusetts Registry of Motor Vehicles.
- f. Enforcement. The Raynham Police Department shall have the authority to enforce this section. The provisions of Massachusetts General Laws c 40, sec. 21D may be used to enforce these sections. The Raynham Police Department shall have the authority to impound any vehicle in violation of this By-law.
- g. (This section was disapproved by the Attorney General)
- h. Vendors. All vendors in the Town of Raynham selling vehicles described in section (a) shall be required to post in clear and conspicuous terms the statement that these vehicles are banned on public and private ways, sidewalks and public grounds in the Town of Raynham and deliver a copy of this By-Law to a purchaser of any vehicle defined under this By-Law;

Organization

There is hereby established within the municipal government an unpaid Tax Increment Financing Board (TIFB) consisting of the following officials: Chairman of the Board of Assessors or his or her designee, Chairman of the Business and Economic Development Committee or his or her designee, Chairman of the Planning Board or his or her designee, Chairman of the Board of Selectmen or his or her designee, Chairman of the Finance Committee or his or her designee, Town Treasurer/Collector and one citizen appointed annually by the Board of Selectmen. The Town Planner is an ex-officio non-voting member. Each member who is a designee shall be appointed annually for a period to serve May 1 through April 30.

Powers and Duties

- a. The TIFB shall negotiate agreements between the Town of Raynham and businesses designated as "Certified Projects" for Special Tax Assessment or Tax Increment Financing in accordance with General Laws Chapter 23A and Chapter 40, Section 59, as amended. Agreements as negotiated by the TIFB shall be legally binding only after ratification by Town Meeting. The Town's designation of specific job creation projects as "Certified Projects" shall be subject to final approval from the Massachusetts Economic Assistance Coordinating Council (EACC). The TIFB does not have the authority to negotiate a TIF for any Water District.
- b. The TIFB shall direct the development of a Tax Increment Financing Plan and submit said plan to Town Meeting and EACC as required by state law.
- c. Subject to Town Meeting ratification, the TIFB shall determine, on a case-by-case basis, the need for local property tax incentives based upon the General Policy Statement as most recently amended by the TIFB.
- d. The TIFB shall forward to the Board of Assessors a copy of each executed agreement to provide property tax incentives to an approved "Certified Project" together with a list of parcels to be included therein.
- e. The TIFB shall annually review the status of the executed agreement with each "Certified Project" to determine compliance with the terms and conditions of local project certification. The TIFB shall require corrective action to remedy any identified area of non-compliance, and shall initiate revocation when it determines that there has been failure by the "Certified Project" to make a reasonable effort to remedy the deficiency.

Tax Increment Financing Parcels

Subject only to the approval of the EACC, the TIFB shall establish Tax Increment Financing parcels on a project-by-project basis. The TIFB reserves the right to establish Tax Increment Financing Zones.

Exemptions from Property Tax

Each property tax exemption provided under this chapter shall become effective per the individual Tax Increment Financing Agreement negotiated. Under no circumstances shall the term of any specific

exemption agreement exceed 20 years in duration. No exemption shall exceed the incremental increase in assessed valuation of the property that is associated with the approved "Certified Project."

Agreements to provide property tax incentives to "Certified Projects" shall be negotiated and executed in accordance with General Guidelines as most recently amended:

Reporting

Each "Certified Project" shall submit an annual report to the TIFB no later than June 30 of each calendar year. The TIFB shall thereupon review the status of each "Certified Project" to determine compliance with the terms and conditions included in each executed agreement and submit its annual report to the Town Planner, TIFB and EACC no later than July 31 of each calendar year.

Revocation

All executed agreements to provide Special Tax Assessment or Tax Increment Financing (including betterment, special assessment and/or exemption from property tax) shall be binding on each party and enforceable by the Town in accordance with General Laws Chapter 23A and Chapter 40, Section 59, as amended. Should the TIFB determine, after reasonable efforts to remedy an identified area of non-compliance, that a "Certified Project" has not met its obligation under the executed agreement, the TIFB with the approval of the Board of Selectmen may petition the EACC to revoke the certification in accordance with appropriate procedures. Upon final action by the EACC, the TIFB shall forward to the Board of Assessors a copy of the revocation of certification and all incentives pursuant thereto. (Submitted by the Tax Increment Financing Board)

Approval by the Massachusetts Economic Assistance Coordinating Council

The agreements are negotiated by the TIFB and shall become effective upon approval by Town Meeting and the Massachusetts Economic Assistance Coordinating Council.

Severability

If a court of competent jurisdiction holds any provision of this bylaw invalid, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this general bylaw.

Section 2/36 Town Building Committee

Purpose:

The purpose of Town Building Committee is to plan, coordinate, and oversee the construction, reconstruction and renovation of all Town-owned buildings.

Organization:

The Town Building Committee shall consist of the Building Commissioner, Town Planner, and three citizens appointed annually by the Board of Selectmen.

Powers and Duties:

The Town Building Committee shall inspect all Town-owned buildings annually to determine the adequacy and maintenance needs of each.

The Committee shall determine the adequacy of the space in relation to the function of each building.

The Committee shall formulate a plan of short and long-term building needs.

The Committee shall annually present requests for capital improvements to the Capital Planning Committee in accordance with the Capital Planning Committee By-Law.

The Committee shall consult with the Board of Selectmen, Finance Committee, Capital Planning Committee and Department Heads while performing its duties.

The Committee shall be responsible for initiating feasibility studies when required.

The Committee shall be the point of contact for architects and engineers hired by the Town to design construction, reconstruction or renovation projects contemplated by this By-Law.

Section 2/37 Carbon Monoxide Detectors

The Town of Raynham require a Carbon Monoxide Detector in good working order on each floor of any newly constructed residential dwelling prior to issuing a Certificate of Occupancy and of any existing residential dwelling at the time of a change of ownership other than through inheritance.

Section 2/38 Late Charges for Municipal Collections

Except as provided in G.L. c. 59, §57, as from time to time amended, for the payment of real estate taxes, personal property taxes, betterment assessments or apportionment thereof, and water rate or annual sewer use charges added to such taxes, all municipal charges and bills shall be due and payable within thirty days of the date of mailing by the Treasurer/Collector or other Town official empowered to do so. If such a bill or charge remains unpaid after said due date, interest shall accrue at a rate equal to the rate of interest charged on tax bills under the provisions of G.L. c. 59, §57, as from time to time amended.

(November 17, 2008, Special Town Meeting, A.G. Approval 1/20/09)

2/39 Outdoor Swimming Pool Fencing Required

An outdoor swimming pool is any structure intended for swimming or recreational bathing that is not totally contained within a structure and surrounded on all four sides by walls of said structure and is capable of containing water over 24 inches deep. This includes inground and above ground swimming pools, hot tubs, and spas.

Private outdoor swimming pools shall be suitably fenced to a minimum height of four feet in accordance with the provisions of the Mass. Building Code. Such fence shall be constructed and maintained so as to prohibit unauthorized access.

Violations and Penalties; Enforcement

Any person who violates the provisions of this by-law shall be subject to a penalty of \$100.00 for the first offense, and \$200.00 for the second and each subsequent offense. Each day that a violation exists without abatement shall be considered a subsequent offense.

This by-law may be enforced by and administered pursuant to the provisions of M.G.L. c.40, sec. 21D for the use of non-criminal dispositions of violations. The persons who are empowered to enforce the provisions of this by-law are Town of Raynham Building Commissioner and his agents and Town of Raynham police officers.

(Adopted May 18, 2009, Special Town Meeting)

2/40 Depositing Snow on Town Roadway

No person other than an employee in the service of the Town, or an employee in the service of an independent contractor acting for the Town, shall pile, push or plow snow or ice onto or across a Town roadway or sidewalk so as to impede or obstruct the flow of pedestrian or vehicular traffic on such town roadway or sidewalk.

Violations and Penalties; Enforcement

Any person who violates the provisions of this by-law shall be subject to a penalty of \$25.00 for the first offense, and \$50.00 for the second and each subsequent offense.

This by-law shall be enforced and administered pursuant to the provision of M.G.L. c40, sec. 21D for the use of non-criminal dispositions of violations. The persons who are empowered to enforce the provisions of this by-law are Town of Raynham Highway Superintendent and his agents and Town of Raynham police officers. (Adopted May 18, 2009, Special Town Meeting)

2/41 JUNK, SCRAP, DEBRIS

Section 1.

Any items such as junk; scrap; rubble; debris; building salvage; abandoned, disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers; propane tanks not connected to propane using devices, gasoline (or similar products) cans; disassembled, inoperable junked or wrecked machinery; wreckage or damaged or demolished buildings and other discarded or secondhand items, if not directly utilized by a legally operating use licensed by the Town of Raynham, and if located in any yard or any vacant lot abutting a public way or publicly used area, shall be subject to the requirements of this Article.

Section 2.

Such items shall be suitably screened from view or shall be cleared from the site. Suitable screening shall mean, at a minimum, that the material has been removed to a portion of the site that is not within dimensional setbacks described in the Zoning By-law, and that it shall be screened from view and access by the public by using attractive and other permitted walls, fences and/or plant materials.

Section 3.

- a. Any person who violates the provisions of this By-law shall be subject to penalty of \$50.00 for the first offense, and \$100.00 for the second and each subsequent offense. Each day that a violation exists shall be considered a separate offense.

b. This By-law may be enforced and administered pursuant to the provisions of M.G.L. c. 40, sec. 21D for the use of non-criminal disposition of violations. The persons who are empowered to enforce the provisions of this By-law are Town of Raynham Building Commissioner and his agents, and the Town of Raynham police officers.

Section 4.

The items described in this By-law are declared public nuisances; and, notwithstanding any other language in this By-law, the Town of Raynham Board of Health, through its Board of Health Agent, may take such steps, including but not limited to commencing a civil action in the appropriate court and seeking court orders for the removal of such items, to alleviate such public nuisances.

Section 5.

If any provision(s) of this By-law shall be held invalid, the validity of the remainder of the By-law shall not be affected thereby; additionally, the invalid provision shall be interpreted and applied until amendment by the appropriate body to the fullest extent applicable under Massachusetts law and regulations.

2/42

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law 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 G.L. c.

40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen or their duly authorized agents, or any police officer.

The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Section 2/43 Synthetic Drugs

(a) Definitions

As used in this Section, the following terms shall have the meaning ascribed to them below:

Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

Synthetic Marijuana:

(i) any substance as defined by 21 U.S.C. §812(d), excluding “marihuana” as such term is defined in Massachusetts General Laws chapter 94C §1, 21 U.S.C. §812(d) notwithstanding; or,

(ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073, CP-47,497, JWH-200, or,

cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or,

purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.

Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.

Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.

(b) Prohibited Activity

- (1) No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.
- (2) No person shall knowingly possess or consume synthetic marijuana or synthetic marijuana analogue.
- (3) This By-Law shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".

(c) Penalty for violation

Any violation of this section shall be punishable by a fine of \$150 (one hundred fifty dollars) for a first offense.

Any subsequent violation shall be punishable by a fine of \$300 (three hundred dollars) for each offense.

Each ounce or portion thereof shall be considered a separate offense.

(d) This By-law may be enforced by criminal complaint before the District Court, or, by noncriminal disposition in accordance with General Laws chapter 40 §21D.

~~A police officer may arrest without a warrant whomever there is probable cause to believe is in willful violation of this By-Law, pursuant to G.L. c. 272 §59. (This sentence disapproved by A.G.)~~

(e) Seizure of controlled substances.

All controlled substances described in this By-Law may be seized and held until final adjudication whereupon they shall be destroyed by the seizing agency.

(f) Severability: If any part of this By-Law or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

Section 2/44 Criminal History Check Authorization

A. Licensees Subject to Fingerprinting

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers,
- Hackney Drivers, and,
- Ice Cream Truck Vendors

B. Procedures

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin explaining the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is

awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense. The Board of Selectmen is authorized to promulgate regulations for the implementation of this by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

C. Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

D. Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system, subject to Town Meeting appropriation or deposited in a revolving account if and when one is established for that purpose.

E. Effective Date

This by-law shall take effect upon approval by the Attorney General, so long as the requirements of G.L. c. 40 sec. 32 are satisfied. (Attorney General Approval: February 24, 2014)

Section 2/44(A) DEPARTMENTAL REVOLVING FUNDS

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

2. Expenditure Limitations^A A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

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

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

C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting/ town on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the selectmen and finance committee.

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

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

5. Authorized Revolving Funds.

5.1 Hazardous Materials Revolving Fund.

5.1.1 Fund Name. There shall be a separate fund called the Hazardous Materials Revolving Fund authorized for use by the Fire Chief.

5.1.2 Revenues. The town accountant shall establish the Hazardous Materials Revolving Fund as a separate account and credit to the fund all of the revenue received as a result of reimbursable incidents allowed under MGL Chapter 21E involving hazardous materials releases charged and received by the Fire Department.

5.1.3 Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the Hazardous Materials Revolving Fund for any Fire Department related expenses in connection with investigation, collection, transport, treatment, removal and remediation of hazardous materials and consultation and/or assistance by the Massachusetts Department of Environmental Protection as required.

5.1.4 Other Requirements/Reports. None

5.1.5 Fiscal Years. The Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019

5.2 Fire Alarm Revolving Fund

5.2.1 Fund Name. There shall be a separate fund called the Fire Alarm Revolving Fund authorized for use by the Fire Chief.

5.2.2 Revenues. The town accountant shall establish the Fire Alarm Revolving Fund as a separate account and credit to the fund all of the receipts generated from fire alarm permits, inspections and details charged and received by the Fire Department.

5.2.3 Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the Fire Alarm Revolving Fund for expenditures including but not limited to vehicle maintenance, detail pay, overtime coverage for replacement of Fire Inspector, and any and all equipment related to radio controlled boxes in connection with the Fire Alarm maintenance and installation.

5.2.4 Other Requirements/Reports. None

5.2.5 Fiscal Years. The Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019

5.3 Council on Aging Activities Revolving Fund

5.3.1 Fund Name. There shall be a separate fund called the Council on Aging Activities Revolving Fund authorized for use by the Council on Aging.

5.3.2 Revenues. The town accountant shall establish the Council on Aging Activities Revolving Fund as a separate account and credit to the fund all fees and charges received in association with programs and activities for which a user fee is charged.

5.3.3 Purposes and Expenditures. During each fiscal year, the Council on Aging may incur liabilities against and spend monies from the Council on Aging Activities Revolving Fund to buy tickets to various events, lease transportation to said events or for any associated expenses in connection with Council on Aging programs and activities.

5.3.4 Other Requirements/Reports. None

5.3.5 Fiscal Years. The Council on Aging Activities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019

Section 2/45 – Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related business, shall be prohibited within the Town of Raynham. (Attorney General Approval: September 11, 2017)

Legislative Acts Accepted by the Town of Raynham (Partial Listing)

Subject	Chapter or Act	Date of Acceptance
Council on Aging	MGL 40:88	April 3, 1972
Industrial Development Finance Authority	MGL 40D2	April 3, 1972
Housing Authority	MGL 121B3	April 2, 1973
Economic Development and Industrial Corporations	Acts 1972 Ch. 725	May 21, 1975
Nomination Papers for Town Office	MGL Ch. 53 Sect. 9A	May 30, 1979
Parking Violations	MGL Ch. 90 Sect. 20C	December 10, 1979
Revolving Fund-Park & Rec.	MGL Ch 44. Sect.53 D	May 18, 1981
Allocation of Anticipated Receipts	Ch. 44 Sect. 53E	August 31, 1981
Revolving Fund -School Rentals	MGL 11 Sect. LE	August 31, 1981
Fees Charged by the Town Clerk	MGL Ch. 262 Sect. 34	August 31, 1981
Regulation of Parking	MGL Ch. 90 Sect. 20A1/2	November 16, 1981
Nude Dancing Ban	MGL Ch. 138 Sect. 12	May 17, 1982
Towing of Illegally Parked Vehicles	MGL Ch. 40 Sect. 22D	May 17, 1982
Contracts with Government Units	MGL Ch. 40 Sect. 4A	July 13, 1982
Stabilization Fund	MGL Ch. 40 Sect. 5B	September 29, 1982
Automatic Sprinkler Systems	MGL Ch. 148 Sect. 26G	May 16, 1983
Real Estate Tax Abatements	MGL 59 Sect. 5 (17C)	May 16, 1983
Non-resident Students	MGL 71 Sect. 71F	May 16, 1983
Automatic Smoke or Heat Detectors	MGL 148 Sect. 26C	May 16, 1983
Use of Developer's Bond	MGL Ch 41 Sect. 81U	April 16, 1991
Enhanced E911	Chapter 291, Acts of 1990	May 20, 1991
Early Retirement Incentive	Chapter 399, Acts of 1992	April 13, 1993
Early Retirement Incentive	Chapter 71, Education Reform Act of 1993	May 16, 1994
Revolving Account for D.A.R.E. Program	MGL, Chapter 44 Sec. 53E½	May 15, 1995
Unmanned Ambulance Agreement	MGL, Chapter 40 Sec. 4A	May 15, 1995

Installation of Smoke Detectors	MGL, Chapter 148, Sec 26E	May 15, 1995
Installation of Automatic Sprinklers	MGL, Chapter 148, Sec 26I	May 15, 1995
Superintendent of Streets	MGL, Chapter 41, Sec 21 & 26	February 10, 1997
Moderator	MGL, Chapter 39, Sec. 15	May 18, 1998
Municipal Charges Lien	MGL, Chapter 40, Sec. 58	February 9, 1999
Deferral of Real Estate Tax For 65 or older	MGL, Chapter 59, Sec. 5, Clause 41A	May 15, 2000
Senior Citizen Property Tax Work-off Abatement	MGL, Chapter 59, Sec. 5K	May 15, 2000
Appoint of Tree Warden	MGL, Chapter 41, Sec. 106	May 15, 2000
“Home Rule” Amendment (Con. Com)	MGL, Chapter 44, Sec. 53G	November 18, 2002
Betterment Reserve Fund	Home Rule Petition	May 19, 2003
Town Collector	MGL, Chapter 60, Sec. 35, 36 & 93	May 19, 2003
Raynham Development Revolving Fund	Home Rule Petition	November 15, 2004 (Approved by Leg. 2010)
Ambulance Funding Receipts Reserved Account	MGL, Chapter 40, Sec. 5F	May 15, 2006
Deferred Real Estate Tax- Interest Rate	MGL, c. 59, §5, ¶ 41A	May 15, 2006
No Fee charged for Dog License For a Person 70 or Over	MGL, c.140, §139, Voted by c. 369 of the acts of 2002	May 15, 2006
Adjudicatory Hearings(Missed session)	MGL, c.39, §23D	January 29, 2007
Additional Training Compensation For Collector/Treasurer	MGL, c.41, §108P	May 21, 2007
Selling of Cordials & Liqueurs	Acts & Resolves of 1993 c.481, § 2	July 30, 2007
Streamlined Permitting Process	MGL, c.43D	May 19, 2008
Municipal Affordable Housing Trust Fund	MGL, c.44, S.55C	May 19, 2008

Fire Department Revolving Fund For Reimbursable Incidents - (Reauthorized Annually)	MGL, c.44, S.53E 1/2	May 18, 2009
Deferred Taxes National Guard Members	MGL, c.59, S. 5L	May 18, 2009
Before and After School Day Care - (Reauthorized Annually)	MGL, c.44, S. 53E	May 18, 2009
Fire Alarm Revolving Fund -(Reauthorized Annually)	MGL, c.44, S.53E ½	May 18, 2009
Meals Tax Excise 0.75%	MGL, c.64, S. 2A	August 13, 2009
Room Occupancy Excise of 6%	MGL, c. 64G, S. 3A	August 13, 2009
Medicare as Primary Payer	MGL, c. 32B, S 18	May 17, 2010
Borrowing of Money	MGL, c. 44, S 4	May 17, 2010
Before and After School Day Care - (Reauthorized Annually)	MGL, c.44, S. 53E	May 17, 2010
Fire Alarm Revolving Fund -(Reauthorized Annually)	MGL, c.44, S.53E ½	November 17, 2010
Hazardous Materials Revolving Fund	MGL, c.44, S.53E ½	November 17, 2010
Deferred Taxes National Guard and Members Reservists on active duty	MGL, c.59, S. 5 clause 56	November 17, 2010
Abandoned Funds	MGL. C. 200A, S 9A	May 15, 2017
Base Military Pay and Town employee's Salary difference	MGL C. 33, S. 59	May 15, 2017
Town to lien unpaid sewer usage	MGL C. 83, S. 16A thru 16F	May 15. 2017