

ARTICLE V

TOWN REGULATIONS

Section 1 Police Regulations

Three or more persons shall not continue to stand or remain in a group on any sidewalk or in any public place in such a manner as to obstruct a free passage for pedestrians.

No person shall fire or discharge any firearm or other explosive article within the limits of any park, playground, public way, public building or other public property except with the consent of the board of selectmen. This by-law shall not apply to the lawful defense of life or property or to any law enforcement officer acting in the discharge of his duties.¹

No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public or the peace and quiet of any neighborhood or endangers the safety of any person.²

No person shall coast upon any sled upon any sidewalk of any street or public place except such streets and places designated for that purpose by the board of selectmen.

No person shall ride or lead a horse upon any sidewalk of the town.

No person shall play any game in which a ball is used, or shoot a bow and arrow or air gun, or throw stones or any other missile in any street or public way.

No person shall throw or deposit upon any public way, any bottle, glass, metal or any material that could cause damage to any person or vehicle.

No person, unless required to do so by law, shall without a permit from the board of selectmen, post or affix in any manner, paint, print, write or cause to be painted, printed or written any notice, advertisement, bill, picture, drawing or writings upon any curbstone, sidewalk, tree, pole, post or hydrant in any street or public place or upon any walk or fence or any public building.

No person shall place or maintain over any sidewalk, any awning, shade, shade frame, canopy, sign or signboard without a permit from the board of selectmen, but no such awning, shade, shade frame, canopy, sign or signboard shall be less than seven feet from the ground in the lowest part or extended beyond the line of the sidewalk.

No person shall operate a bicycle within the limits of the town unless such bicycle is registered and unless the registration plate issued therefor, is attached to such bicycle. The police department shall register all bicycles and issue to the owners thereof, certificates of registration, which shall be in effect, unless suspended, so long as such registrants own said bicycles. Upon sale or transfer of a registered bicycle, the registrants shall remove the registration plate and surrender same to the police department, or may, upon application but without payment of additional fee, have said plate assigned to another bicycle owned by the applicant.

No person shall operate any motor boat on any pond or lake in the town at a speed which would endanger the lives and safety or property of the public provided that, when within one hundred fifty (150) feet of the shore or any pier or float, the speed shall not exceed six (6) miles an hour. No person shall operate any motorboat within one hundred fifty (150) feet of the shore of any public or private bathing beach except in an emergency or to launch or land the motorboat at a public or private beach or pier with the beach frontage owner's permission. Whoever violates the provisions of this section shall be punished by a fine of not more than twenty dollars (\$20.00) for each violation.

¹ ATM May 11, 2009, Article #24, delete paragraphs 3 and 14 and add language to paragraph 27.

² ATM May 11, 2009, Article #24, delete paragraph 4 & Article #25, add new paragraph 4.

The police, at the direction of the superintendent of streets, may, for the purpose of removing or plowing snow from any way, remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work and impose liability for the cost of such removal and of the storage charges, if any, resulting therefrom upon the owner of such vehicle.¹

No mercantile/retail use,² gasoline station or automobile repair shop shall operate within the town within a distance of 200 linear feet from any single or multi-family dwelling between the hours of 12:00 midnight and the following 6:00 A.M.

No person shall drink or open any container with the intent of consuming any alcoholic beverages as defined in M.G.L.A. Chapter 138, Sec. 1 while in, on or upon any public way or any way to which the public has access; and no person shall drink or open any container with the intent of consuming any alcoholic beverages as aforesaid, in, on or upon any private land or place, without the consent of the owner or person in control of such public or private land or place when so posted by such private owner. Anyone violating this section may be arrested by a police officer without a warrant. All alcoholic beverages being used in violation of this section may be seized and held until final adjudication of the charge against any such person has been made by the court. A violation of this section may be punishable by a fine not to exceed fifty dollars (\$50.00).³

Whoever knowingly makes a sale, or delivery or dispenses any alcoholic beverages or alcohol to any person under twenty-one years of age, either for this own use or the use of any other person shall be deemed to have committed a breach of peace and may be arrested. A licensee issued a license by the board of selectmen, pursuant to M.G.L, Chapter 138, shall be deemed not to have committed a breach of the peace if the licensee required proper proof of age at the time of sale.⁴

The selectmen shall impose a general curfew within the town or any portion thereof upon such circumstances and for such hours as the selectmen determine a curfew is needed.

No person shall throw, place or cause to be placed in any public place in the town any obstruction, or any ashes, garbage, carrion, filth, offal, fuel, building materials, paper, cards, handbills, leaves or rubbish of any kind, except in such place and in such manner as shall be prescribed by selectmen.

No person shall park or leave unattended his/her motor vehicle within any part of the area posted and marked as a fire lane in any parking area of parking lot, private or public. Any person violating this section shall be punished by a fine not to exceed ten dollars (\$10.00) for each offense.

All buildings on or within one hundred fifty (150) feet of a public or private way shall be numbered, said numbers to be placed upon said buildings by the owner thereof, and to be so placed as to be visible from such way.

The chief of police shall make such rules and regulations consistent with law and these by-laws, for the government, disposition and management of the police force, with recommendations as to the same, to the board of selectmen.

It shall be the duty of the chief of police to report in writing annually and more often if deemed necessary, upon all matters pertaining to her/his department, with recommendations as to the same, to the board of selectmen.

Fires In case of fire, no person shall interfere with the members of the fire department or remove, injure or in any manner disturb the machines, hoses, or equipment of the fire department, except as directed by

¹ STM December 15, 2008, Article #13, deleted sentence, inserted new sentence.

² STM November 26, 1990, Article #16.

³ STM November 29, 1993, Article #9.

⁴ STM December 9, 1996, Article #8

the officer of the fire department in command. The chief of police, or in his absence some other police officer, shall be present at all fires, for the purpose of enforcing this section of the by-law.¹

Trespassing No person except an officer of the law in performance of his duties, shall enter upon or remain upon the premises of or looking into the window, door or other aperture of a house or structure, in any manner or upon any person or persons therein. Any person found violating this by-law shall be subject to arrest without a warrant in accordance with Chapter 276, Section 28 of the Massachusetts General Laws.²

Interference with Police Whoever willfully obstructs, interferes with or hinders a police officer in the lawful performance of his duty shall be punished by a fine of not less than fifty dollars (\$50.00) if convicted.³

Disturbances

A. It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof, or any vehicle in the town, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device, or in the playing of any band, orchestra, musician, or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises, or loud and boisterous singing by any person or groups of persons, or in the use of any device to amplify the aforesaid noises where the noise is plainly audible at a distance of one hundred fifty feet (150') from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of one hundred fifty feet (150') from which the vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this by-law. Any person violating this by-law shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense.⁴

B. 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, who shall cause or suffer or countenance any loud, unnecessary, excessive or unusual noises, including 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 fifty feet (150') 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 fifty feet (150') 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 he is a countenancer to such violation.⁵

C. No licensed contractor or agent thereof shall perform any outside work, including, but not limited to, construction, renovation, demolition, loading or unloading materials, equipment operation, including the running of equipment motors between the hours of 7:00

¹ STM November 26, 1990, Article #14.

² STM November 26, 1990, Article #14.

³ STM November 26, 1990, Article #14.

⁴ STM November 26, 1990, Article #14.

⁵ STM November 26, 1990, Article #14.

p.m. to 7:00 a.m. , Monday through Saturday and all hours on Sunday. No work shall be performed beyond the hours specified or on Sunday without the expressed approval of the board of selectmen and the issuance of a work permit by the chief of police. This section shall not apply to private homeowners, domestic equipment such as lawnmowers and power saws, or contractors performing emergency repairs. Violation of this section shall be subject to a fine of three hundred (\$300.00) dollars for each violation. Provided, however, the foregoing shall not apply to projects for, or on behalf of the town.¹

D. Except as provided by statute, it is unlawful to operate unauthorized motorized vehicles (all terrain vehicles, dirt motorcycles, and snowmobiles) on property under the care and control of the Foxborough Conservation Commission, Water Department, Recreation Commission or Board of Selectmen of the Town of Foxborough. Any person violating this by-law shall be punished by a fine of fifty (\$50.00) dollars for the first offense and one hundred fifty (\$150.00) dollars for subsequent violations and or criminal prosecution along with restitution of any damage incurred to the Town of Foxborough property.²

SOLICITOR/CANVASSER³

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

Definition. A solicitor or canvasser is defined as any person who, for himself, or for another person, firm or corporation travels by foot, automobile, or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals, or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales. This definition shall include without limitation a person who unless otherwise authorized by law, for any commercial purpose, shall canvass, distribute or sell papers (other than newspapers), circulars, books, merchandise or services by going from house to house throughout the Town;⁴

Application. Applicants for a license shall file with the chief of police, on a form issued by the police department, a written application signed under the penalties of perjury, containing the following information:

- (a) Name of applicant.
- (b) Address of applicant (local and permanent home address).
- (c) Applicant's height, weight, eye and hair color.
- (d) Applicant's social security number.
- (e) The length of time for which the right to do business and the goods to be sold.
- (f) A brief description of the nature of the business and the goods to be sold.
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (h) A photograph of the applicant which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguished manner.

¹ ATM May 8, 2000, Article #14.

² ATM May 13, 2002, Article #20. (A.G.8/26/02) Town to ask the Court to order restitution as part of its efforts to seek criminal enforcement.

³ ATM May 13, 1991, Article #30.

⁴ ATM May 11, 2009, Article #24.

(i) If operating a motor vehicle: the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.

At the time of filing the application, each applicant shall pay a reasonable fee in an amount to be fixed from time to time by the chief of police pursuant to M.G.L. c. 40, Section 22F¹.

Investigation and Issuance.

A. Upon receipt of the application, the chief of police shall investigate the applicant's reputation as to morals and integrity.

B. After an investigation of the applicant's morals and integrity, but within seven (7) business days of the filing of the applicant, the chief of police shall endorse on such application his approval or disapproval. Failure of the police chief to act on said permit within seven (7) business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right of appeal to the board of selectmen in writing within seven (7) days of the denial by the chief of police. The board of selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall be deemed approval.

C. Such license when issued shall contain the signature of the chief of police and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The police department shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the police department, by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

Duty of Police to Enforce-Transfer. The police officers of the town shall enforce this by-law. No license shall be transferred.

Revocation of License. The chief of police is hereby vested with jurisdiction over the revoking of licenses. Any person aggrieved by such revocation may appeal to the board of selectmen within seven (7) business days, and a hearing will be scheduled for one (1) of the next two (2) regularly scheduled meetings of the board of selectmen.

Expiration of License. Each license issued under the provision of this by-law shall continue in force from the date of its issue until the thirty-first (31) of December following, unless sooner revoked.

Renewal of License. A license issued under the provision of this by-law may be renewed by the chief of police. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such information as is required to obtain an initial license.

Misrepresentation.

A. No solicitor or canvasser, licensed or exempted from license, may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A, and 255D of the General Laws.

B. No solicitor or canvasser, licensed or exempted from license, may use and plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment with the purpose of making a sale of consumer goods or services.

¹ ATM May 11, 2009, Article #24, delete sentence and add a new sentence.

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

Penalty. Any person violating any provision of this by-law shall, upon conviction thereof, be punished by a fine not to exceed fifty dollars (\$50.00) for each and every offense.

Exemptions. Local charitable organizations, benevolent, religious, and community organizations are exempt from the provisions of this by-law. Local shall mean groups based in Foxborough.

Note: It should be noted that several communities have exempted from the licensing requirements as set forth above persons engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities (e.g. Boy Scouts).

Temporary Handicapped Parking Permit.¹ The chief of police may issue a temporary handicapped parking permit to any person upon application with supporting medical affidavit signed by a licensed physician designating the applicant as physically handicapped.

Said temporary permit shall be issued with an expiration date not exceed sixty (60) days from the date of issue and shall be displayed in the front left windshield of any vehicle parked in a designated handicapped parking space.

If medically necessary, the permit may be extended.

The unauthorized use of a temporary permit shall be punishable by a fine of fifty (\$50.00) dollars.

Cigarette Rolling Paper.² No person or business shall sell, or offer for sale, nor display any cigarette rolling paper in the Town of Foxborough. Any person or business which violates this by-law shall be punished by a fine of fifty (\$50.00) dollars for each offense. Such article to take effect July 1, 1994.

Prudential Affairs and Internal Police Traffic Details³

- A. The Chief of Police or his or her designee shall have the authority to require police traffic detail where the passage or flow of pedestrian or vehicle traffic will be impeded, delayed, disturbed, back-up or rerouted on any public way, alley, highway, walkway, lane, court, public square, public place, or sidewalk within the Town of Foxborough, and/or where the safety, health and welfare of the general public is concerned.
- B. Any establishment, entity or individual operating under a license or otherwise, and any individual or private entity which produces and operates an event, within the Town of Foxborough whose event or operation affects traffic flow in a manner described in paragraph A above, shall procure at his or her own expense police details furnished by the Foxborough Police Department as the Chief of Police or his or her designee may require in his or her reasonable discretion and shall pay such police officers at the prevailing extra duty rate.

¹ ATM May 9, 1994, Article #12. "Caution should be exercised with respect to the issuance of 'temporary handicapped parking permit(s)' to insure that the availability of parking spaces for use by individuals issued handicapped license plate and placards pursuant to Mass. General Laws, Chapter 90, Section 2, is not frustrated. (Attorney General, June 13, 1994.)

² ATM May 9, 1994, Article #13.

³ STM December 17, 2007, Article #10. Caution should be exercised in reviewing instances in which the State Police have asserted jurisdiction and have provided police details as the attorney general's office has deemed the obligations imposed by Paragraph (B) above on any establishment, entity or individual which produces and operates an event impacting traffic in the manner described in Paragraph (A) above, on State Highways and other public ways maintained by the Commonwealth to be satisfied in such instances.

- C. The Chief of Police shall adopt written criteria consistent with law and these by-laws for the government, disposition and applicability of this by-law, including, without limitation, for determining when the safety, health and welfare of the general public is affected by pedestrian and/or traffic flow, and the process to be implemented for procurement of such details.

Police Protection Required at Certain Gatherings¹

The owner, lessee, occupant, person in control or in charge of a public hall located in the S-1 Special Use District, which for purposes of this section shall include, but not be limited to, any restaurant, night club, function hall, entertainment court, or arcade, who leases, rents, causes or permits use of such public hall for compensation or otherwise for the purposes of public or private entertainment, at which alcoholic beverages are served or consumed, whether or not such alcoholic beverages are sold, whether or not an admission fee is charged, or public gatherings of any description in the S-1 Special Use District at which alcoholic beverages are served or consumed, whether or not such alcoholic beverages are sold, for any group of three hundred twenty five persons or cumulative group of five hundred persons or more shall file an Application for Police Detail and cause to be in attendance a number of Foxborough Police Officers, as determined by the Foxborough Police Chief to be necessary.

Application for a Police Detail shall be made to the Foxborough Police Department, not less than seventy-two hours before the holding of an event requiring such application. Applications shall be in a form approved by the Police Chief and Payment for the Police Detail shall be made at a rate of pay established by the Chief, or by collective bargaining agreement.

Group definition - individual party of 325 people.

Cumulative group - This is applicable to businesses holding multiple separate functions. When individual parties of 50 persons or more in the same business constitute a total gathering of 500 persons or greater, then the detail requirement goes into effect.

Section 2 Fire Department Regulations

A². No person shall make a fire in any public way or public place without first having obtained permission of the chief of the fire department or his representative.

No open outdoor fire on private or public property shall be started without first having obtained permission of the chief of the fire department or his representative.

No person shall, without authority from the chief of the fire department, open or interfere with a signal box, wire or anything connected with the fire alarm apparatus except in case of fire.

B. Licenses for the Storage of Flammables issued by the board of selectmen

Class A (all):³

166-10,000 gallons	*
10,001-20,000 gallons	*
20,001-40,000 gallons	*
40,001-80,000 gallons	*
80,001-100,000 gallons	*
100,001-500,000 gallons	*
500,001-1,000,000 gallons	*
over 1,000,000 gallons	*

¹ ATM May 12, 2008, Article #17

² ATM May 12, 1997 - Deleted first and second paragraphs.

³ STM December 15, 2008, Article #13, deleted fee amounts and added reference to fees established pursuant to Ch 40, section 22F.

