

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 shall be punished by a fine of two hundred dollars (\$200.00).³ ⁴

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.⁵

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 ATM May 9, 2011, Article #21, delete last sentence of paragraph 14 and insert new sentence.

⁴ STM November 29, 1993, Article #9.

⁵ 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 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.

PUBLIC CONSUMPTION OR USE OF MARIJUANA OR TETRAHYDROCANNABINOL³

1. No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Foxborough, or any place to which the public has a right of access as invitees or licensees.

2. Any marijuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M. G. L. c. 94C, § 47A.

3. Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.

4. 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 M.G.L. c. 40, § 21, or by non-criminal

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 March 7, 2011, Article #9.

disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Manager, or any duly authorized agent of the Board of Selectmen or the Town Manager, or any police officer as enforcing persons.

5. The fine for a violation of this By-Law shall be two hundred dollars (\$200.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

6. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

Prudential Affairs and Internal Police Traffic Details¹

- 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.
- 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 Gatherings²

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.

¹ 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.

² ATM May 12, 2008, Article #17

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.

Parking By -law¹

- A. No person shall park, cause to be parked, or solicit any other person to park on any property any vehicle for a fee for any concert, dance, exhibition, cabaret, public show of any description, theatrical exhibition, public amusement, exhibition of every description, game, sport, fair, exposition, play, entertainment or public diversion for which the number of tickets available for sale exceeds 15,000 unless otherwise authorized by a license issued by the Board of Selectmen pursuant to the "Licensing Procedure And Regulations For Commercial Parking."
- B. No person shall park, cause to be parked, or solicit any other person to park on any property any vehicle which parking causes or contributes to any risk to the safety, health and/or welfare of the public by contributing to traffic congestion, preventing or impeding access to any building, property or structure by emergency response vehicles, or by creating or contributing to a general nuisance to the neighborhood.
- C. Any violation of this Parking By-law shall be punishable by a fine of One Hundred Dollars (\$100.00). Each vehicle parked in violation of this Parking By-law shall constitute a separate offense. Each day any vehicle is parked in violation of this Parking By-law shall constitute a separate offense.
- D. In addition to any other available enforcement remedy and as an alternative to initiating criminal proceedings, this Parking By-law may be enforced by noncriminal disposition pursuant to M.G.L. c. 40, Section 21D, in which case the enforcement persons shall be the Town of Foxborough Building Commissioner or any officer of the Town of Foxborough Police Department and the penalty for each violation shall be One Hundred Dollars (\$100.00).

Civil Fingerprinting Persons By-Law²

If requested by the licensing authority, the Police Department may 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, Pawn Dealers, and Hackney Drivers.

An applicant seeking such a license shall submit, at the request of the licensing authority, fingerprints taken by the Police Department along with a fee to be determined by the Chief of Police.

Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB).

In rendering a fitness determination, the licensing authority, with the advice of the Police Department shall decide whether the applicant has been convicted of, or is under pending indictment for, a crime, which bears upon his/her ability or fitness to receive the license being applied for, any felony or a misdemeanor, which involved force or threat of force, controlled substances, or was a sex-related offense.

The applicant 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 contact CHSB for a state record or the FBI for records from other jurisdictions maintained in its file.

The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purpose of conducting state and national criminal history records checks of persons applying for licensures within the Town as required pursuant to this Civil Fingerprinting Persons Bylaw.

¹ ATM May 14, 2012, Article #24, add new section.

² ATM May 9, 2011, Article #20, add new section.

The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be determined by the Chief of Police pursuant to M.G.L. c. 40, Section 22F. A portion of the fee, as specified in Chapter 172B of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

The licensing authority is hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who the licensing authority reasonably determines is unfit to receive the license, due to information obtained pursuant to this by-law.

Section 2 Fire Department Regulations

A¹. 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):²

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	*

Class B All types except fuel oil:

501-10,000 gallons	*
10,001-20,000 gallons	*

Class B Fuel oil only:

2,501-5,000 gallons	*
5,001-20,000 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	*

Class C Fluids (all):

1,001-20,000 gallons	*
20,001-40,000 gallons	*
40,001-80,000 gallons	*
80,001-100,000 gallon	*
100,001-500,000 gallons	*
500,001-1,000,000 gallons	*
over 1,000,000 gallons	*
Flammable Solids 101 lbs. & up	*

¹ ATM May 12, 1997 - Deleted first and second paragraphs.

² STM December 15, 2008, Article #13, deleted fee amounts and added reference to fees established pursuant to Ch 40, section 22F.

Flammable Gases (within a building)	*
3,0001 cubic feet & up	
Flammable Gases (outside a building)	*
10,001 cubic feet & up	
Liquid Petroleum Gases	
271-500 gallons	*
501-1,000 gallons	*
1,001 gallons & over	*
Advertising costs to be paid by petitioner.	

*Such fees as may from time to time be established pursuant to chapter 40, Section 22F of the General Laws.

The foregoing annual fees shall include the cost of the initial registration with the town clerk. The fee for each annual renewal registration shall be established from time to time pursuant to chapter 40, Section 22F of the General Laws, subject however to the provisions of chapter 148, Section 10A of the General Laws.¹

Permit & Inspection Fee Schedule^{2, 3}

C. Enforcement⁴

1. Upon the third and subsequent needless fire alarm received from any master fire alarm box in the Town of Foxborough or any central reporting station, there may be a \$250.00 false alarm charge.

2. A burn-in period of thirty (30) days from final inspection will be granted during which time no fines will be assessed.

3. An owner will not be assessed a fine for a maliciously induced alarm, but a criminal complaint shall be brought against the initiator of the alarm.

4. Any system on line to either an approved central station or a direct connection to the fire department prior to the acceptance of this document shall be granted sixty (60) days from the receipt of a registered/return receipt letter to comply with these rules and regulations.

5. Any contractor, vendor, service person or technician who shall cause any needless alarm shall be fined \$250.00.

D. Fire Department Regulations⁵

- **Level 1**
\$300.00 Engine Company Assist only or Hazard Mitigation only
- **Level 2**
\$400.00 Engine Company Assist and Hazard Mitigation
- **Level 3**
\$500.00 Engine Company Assist w/light disentanglement (hand tools) and Hazard Mitigation
- **Level 4**
\$600.00 Engine Company Assist w/heavy disentanglement (power tools) and Hazard Mitigation

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

² STM October 17, 2005, Article #9.

³ STM December 5, 2011, Article #8, delete C,D,E and re-letter

⁴ ATM May 12, 1997, Article #19.

⁵ ATM May 14, 2007, Article #16.

- **Level 5**
\$300.00 Additional Engine Company at a separate Landing Zone for air transport.

All charges are made to the “at fault” driver as determined from the Police Investigation Report. Charges for “No fault” accidents shall be divided between all parties involved. Fees shall be charged per accident response no matter the amount or type of vehicles involved.

And further to authorize the Foxborough Fire Department to adopt Rules and Regulations for Fire Alarm Systems a copy of said regulation to be kept on file and current in the Office of the Town Clerk, which shall govern the installation and use of all master boxes and the installation of auxiliary fire alarm systems and fire alarm connections to the Foxborough Municipal Fire Alarm System.

Section 3 Animal Control Regulations¹

A. Definitions:

Animal Control Officer: Shall be that person or persons appointed by the Selectmen to enforce this bylaw.

At large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of a person demonstrating the ability to control the dog.

Care and Control: A dog shall be considered in care and control while on the premises of its owner or keeper or if the dog is on the premises of another person with knowledge and expressed permission of such other person. A dog under voice command shall be considered in the care and control of a person only if said person is competent to prevent the dog from being at large, or from being a public nuisance.

Dog: Any animal of the canine genus.

Keeper: Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

Owner: Any person, partnership, or corporation, in whom is vested the ownership, domain, or title of one or more animals.

Licensing Period: The time between January 1st of any year to December 31st of the same calendar year, both dates inclusive.

Public Nuisance: A dog shall be deemed a public nuisance for any of the following (but not limited to):

1. Is found at large;
2. Damages the property of anyone other than its owner;
3. Molests or intimidates pedestrians or passerby;
4. By reason of habitual or frequent howling, barking, whining, or other utterances disturbs the peace and quiet of any person of ordinary sensibilities who is a neighbor or in close proximity to the premises where the dog is kept or harbored;
5. Has bitten or attacked any person;
6. Has bitten or attacked other domestic animals;
7. When the owner or keeper has failed to remove excrement from either public or private property.

¹ STM March 7, 2011, Article #7, replace previous dog control regulations with new animal control regulations.

B. Violations and Penalties:

The Animal Control Officer may impose a fine upon the owner or keeper of a dog found to be a public nuisance; twenty-five dollars (\$25) for the first or second offense; fifty dollars (\$50) for the 3rd offense; and one hundred dollars (\$100) for the 4th offense. Fines shall be paid to the Town of Foxborough before the redemption of the dog, if impounded, or within 21 days of issuance of the fine when impoundment has not occurred.

The Animal Control Officer shall charge the dog owner or keeper a twenty dollar (\$20) redemption fee to be in addition to any and all other fees, fines or penalties.

In addition to all other legal and equitable remedies, fines and penalties under this by-law may be assessed in the manner provided in G.L. c. 40, section 21D, with the Animal Control Officer as the enforcing person, and the amount of the fine \$25.00.

C. Vaccinations of Dogs and Cats against Rabies

The owner or keeper of a dog or cat six (6) months old or over, shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian as is required by M.G.L. Ch 140 section 145B. The owner or keeper of any unvaccinated dog or cat brought into the Town of Foxborough shall be punished by a fine of not more than fifty dollars (\$50), which shall be paid to the Town of Foxborough.

D. Order to Restrain:

If any person shall make a complaint in writing to the Animal Control Officer that any dog within his/her jurisdiction is a public nuisance, the Animal Control Officer shall investigate such complaint and may restrain or muzzle the dog or issue an interim order to restrain or muzzle the dog for a period not to exceed fourteen (14) days. The Animal Control Officer may take similar action, without written complaint, should he/she become aware that any dog is a public nuisance.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen, a report of his/her action and the reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order shall be deemed automatically vacated.

E. Appeal:

The owner or keeper of any dog that has been ordered to be restrained or muzzled or restrained under this bylaw, may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer, such officer may vacate such order or release such dog, if the order or restraint was imposed by him/her. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his/her recommendations, to the Selectmen, who may vacate such order.

The owner of any dog under order of restraint or muzzling or disposal order by Selectmen, if not satisfied with the decision of the Selectmen following appeal, shall have the right to appeal to the District Court.

F. Impoundment:

It shall be the duty of the Animal Control Officer to apprehend any dog that is found running at large and impound such animal. Such animal to be held, adopted, or euthanized as described in M.G.L. Chapter 140, Section 151A.

G. Redemption of Dogs:

The owner or keeper of a dog so impounded may claim the dog as provided by law, upon the occurrence of the following:

1. The owner or keeper presents a valid license and certificate of rabies vaccination;
2. The owner or keeper pays all fines, boarding and other fees;
3. The owner or keeper gives his/her name, address and date of birth;
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing pre-payment of rabies vaccination.
5. If the dog is unlicensed, the owner must license the dog within seven (7) days of redemption.

H. Licensing:

A person residing in the Town of Foxborough who at the beginning of the license period is the owner or keeper of a dog six (6) months old or older shall cause the dog to be licensed each year with the Town Clerk's Office as required under M.G.L. Chapter 140, section 137. Any person who during the license period shall become the owner or keeper of a dog six (6) months or older shall cause that dog to be licensed as provided herein within thirty (30) days of his or her obtaining possession of said dog.

The Town Clerk shall charge such fee for license as may from time to time be established by the Town Clerk pursuant to M.G.L. Chapter 40, Section 22F. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies. Upon presentation to the Clerk of a certificate of training, no fee shall be charged for a dog specifically trained to lead or serve visually or hearing impaired person. Whoever fails to license their dog by January 31st of each year shall be subject to a late fee as may from time to time be established by the Town Clerk pursuant to M.G.L. Chapter 40, Section 22F of the General Law.

Section 4 Licenses of Junk Dealers

No person shall be a collector of, dealer in, or keeper of a shop for the purchase, sale, or barter of junk, old metals, or second-hand articles without a license issued by the board of selectmen. Said board shall have those powers relative to such licensing authority as are set forth in Massachusetts General Laws, Chapter 40, Section 34. Provided, however, that no such license shall be required where the articles are wholly contained within one or more structures.¹

Section 5 Hazardous Materials By-Law^{2 3}

A. Authority: This By-law is adopted by the Town of Foxborough under its home rule powers, and its authorization under Massachusetts General Laws, Chapter 40, Section 21.

B. Purpose: The purpose of the by-law is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the town from contamination, and to protect the public health and welfare.

C. Applicability: The provisions of this by-law shall apply town wide, except as specifically noted.

D. Definitions: The following definitions shall apply in the interpretation and implementation of this bylaw.

1. "flammable fluid" means any fluid which will emit a vapor which can be ignited by a flame or spark.

2. "hazardous material" means a produce, waste, or combination of substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a significant hazard to human health or safety if improperly treated, stored, transported, used, disposed of, or otherwise managed. Among others, any substance

¹ ATM 1979, Article #21.

² STM November 17, 1986, Article #18.

³ Outline Structure re-formatted August, 1996.

deemed a "hazardous waste" under Massachusetts General Laws, Chapter 21C as amended or regulated substances defined under Subtitle 1, Section 9001 of the Resource Conservation and Recovery Act, as amended, shall be considered a toxic or hazardous material for purposes of this by-law.

3. "discharge" means the disposal, deposit, injection, dumping, spilling, leaking incineration, or placing of any hazardous material or any constituent thereof into or on any land or water so that such material may enter the environment or be emitted into the air or discharged into waters, including groundwaters.

4. "home occupation" shall be defined in Article 4, Section L, item 8.2 of the Foxborough Revised Zoning By-Law.¹

E. Hazardous Materials Storage

1. Registration

a. Anyone storing hazardous materials in quantities totaling more than twenty-five (25) pounds dry weight or fifty (50) gallons liquid shall file MSDS sheets and register with the fire department and board of health, the types, quantities, location, and methods of storage of said hazardous materials. Registration required by this provision shall be initially submitted within thirty (30) days of such storage and annually thereafter.²

b. Anyone meeting the registration requirement for the first time subsequent to (month, day, year) shall register initially within thirty (30) days of meeting such requirements and thereafter within thirty (30) days of (month, day) each year.

c. Copies of registration information shall be regularly shared with copies forwarded by the fire department and board of health.³

d. The health agent shall maintain and make available a listing of materials deemed to be hazardous on a standard form which will be known as "the hazardous materials registration form". The board of health shall make the completed forms readily available to the police, fire department, emergency response personnel, and any other town official requesting same.⁴

2. Inventory

a. In addition to registration, owners or operators of commercial, industrial, or municipal establishments, including home occupations and agriculture, registered in accordance with Section 5.1 (a) or (b) above shall maintain on the premises an inventory reconciled on a monthly basis, of purchase, sale, use, and disposal of hazardous materials. The purpose of this inventory is to detect any product loss and to provide ongoing record of all quantities of hazardous materials within the Town of Foxborough over the registration period.

b. Owners or operators shall produce the latest reconciled inventory within twenty-four (24) hours of request by the fire department or the health agent.⁵

c. Storage of flammable fluids are also subject to inventory control under 527 CMG 9.00 Board of Fire Prevention Regulations for Tanks and Containers.¹

¹ As amended by ATM May 14, 1990, Article #18, Revised Zoning By-Laws.

² STM November 29, 1993, Article #11.

³ STM November 29, 1993, Article #11.

⁴ STM November 29, 1993, Article #11.

⁵ STM November 29, 1993, Article #11.

3. Aboveground Storage

a. Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act, Massachusetts General Laws, Chapter 21C.

b. Aboveground containers of hazardous materials shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a dike of impermeable construction, with provisions for rainwater shelter or removal. The volume of the area enclosed by the dike shall be equal to or greater than 120% of the capacity of the containers within the dike.

4. Existing underground storage tanks

Owners of every underground storage facility, including fuel storage tanks, that has been installed prior to the effective date of this by-law shall provide the fire department and board of health the following information by January 1, 1994:²

- a. name, address and telephone number (day and night) of the owner;
- b. name, address and telephone number (day and night) of the operator;
- c. the number of tanks on the property and the capacity and contents of each tank;
- d. evidence of the date of purchase and installation of each tank including license and fire department permit, if any;
- e. a map to scale showing the location of all tanks on the property.

5. New or replacement underground tanks

The following provisions apply to new or replacement underground tanks.

a. All new and replacement tanks shall be designed and constructed to minimize the risk of corrosion and leakage, and shall comply with the provisions of 527 9.00 CMR Board of Fire Prevention Regulations for Tanks and Containers, whether storing flammable fluids or not.

b. The fire chief and/or board of health may prohibit placement or replacement of a tank or approve it subject to conditions if a determination is made that placement or replacement constitutes a danger to a public or private water supply, by reason of its proximity to any public or private well, groundwater supply, groundwater recharge area, or body of surface water or for any other reasons which would constitute a danger to public or private water supply.³

6. Testing and defects

a. All tanks not regulated by 527 CMR 9.00 shall be subject to test conducted at the owner's expense at installation, ten (10) years after installation, fifteen (15) years after installation, and annually thereafter, or if evidence of installation date is not available as directed by the fire chief. The test shall meet the requirements of NDPA Pamphlet 329 criteria for better than 0.05 gallons per hour accuracy, and shall meet the requirements of 527 CMR 9.00 for storage of flammable liquids.⁴

b. Owners of tanks for which evidence of installation date is not available shall, at the order of the board of selectmen have such systems tested as per Section 5.6(a). If the health agent determines that the tank is not product-tight, it shall be

¹ STM November 29, 1993, Article #11

² STM November 29, 1993, Article #11

³ STM November 29, 1993, Article #11.

⁴ STM November 29, 1993, Article #11

disposed of under his direction or, if involving flammable liquids, under the direction of the fire chief.

c. All leaking tanks must be emptied by the owner or operator within twelve (12) hours of leak detection and removed by owner or operator in a period of time not longer than that determined by the board of health or, if having jurisdiction, the fire chief. Repair rather than removal of known leaking tanks is not permitted¹.

7. Abandonment of Tanks

a. Except as provided in Section 5.7(b) below, no tank may be abandoned in place. Aboveground tanks shall be disposed of after being emptied of all products. Any underground storage tank out of service for a period in excess of six (6) months shall be considered abandoned. Any tank taken out of service (even temporarily) shall be emptied of all hazardous materials under the direction of the fire chief if involving flammable liquids, and otherwise under direction of the board of health. The product and tank shall be disposed of at the owner's expense as directed by the official directing.

b. If the owner of a tank used for storage of non-flammable materials, which is located under a building and which cannot be removed from the ground without first removing the building, decides to abandon it, the owner shall promptly notify the fire chief and the building commissioner, have all hazardous materials removed from the tank and the tank filled with sand or other inert material as directed by the fire chief and/or the building commissioner.²

c. The owner of a tank which will be out of service for less than six (6) months shall promptly give notice of the decision to the fire chief if involving flammable liquids, or otherwise to the board of health, and where that tank is subsurface, the materials remaining shall be removed from the tank and disposed of as directed.³

F. Water Resource District: Within the Water Resource District (as established in the Foxborough Zoning By-Law), the following additional requirements apply.

1. New Tanks: As of November 29, 1993⁴, new installation of tanks for the underground storage of hazardous material is prohibited.

2. Replacement Tanks

a. Replacement tanks for underground storage must not be of greater storage capacity than the tanks they replace.

b. Replacement tanks shall have complete secondary containment including piping with overflow detection, monitoring devices and alarms as designed and certified by a registered professional engineer. Such installation shall be annually certified as operational to the satisfaction of the fire chief.⁵

3. Herbicides and Pesticides: Notice of planned application of herbicides or pesticides by municipal agencies or commercial contractors must be provided to the board of health at least fourteen (14) days prior to application in order to allow review regarding consistency with the pesticide label and state pesticide regulations.

¹ STM November 29, 1993, Article #11.

² STM November 29, 1993, Article #11.

³ STM November 29, 1993, Article #11.

⁴ ATM May 11, 2009, Article #22, delete "(month, day, year)" and replace with "November 29, 1993".

⁵ STM November 29, 1993, Article #11.

G. Variances

The board of selectmen may, unless otherwise required by law, vary the application of any provision of this by-law in any case when, in its opinion, the applicant has demonstrated that a degree of environmental protection equivalent to that required under this by-law will still be achieved, and that all other applicable requirements, including those of 527 CMR 9.00, will be met. The applicant at his own expense must notify all abutters by certified mail at least fourteen (14) days before the hearing at which such variance request will be considered. The notification shall state the variance sought and the reasons therefor. The board of selectmen shall also notify the water department, planning board, fire chief, and building inspector of any variance requested under this section, for their response in writing. Any variance granted by the board of selectmen shall be in writing; any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

H. Enforcement

1. All discharges of hazardous materials within the Water Resource District are prohibited.
2. Any persons having knowledge of any discharge of hazardous materials within such area shall immediately report the discharge to the fire department, who shall alert the board of health.
3. The board of health or its agents may enter upon privately owned property for the purpose of performing their duties under this by-law.
4. Any person who violates any provision of this by-law shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition shall constitute a separate offense. Upon the request of the board of health, the board of selectmen shall take such legal action as is necessary to enforce this by-law.

I. Severability

The invalidity of any provisions of this by-law shall not affect the validity of the remainder.

Section 6 Stadium Regulations

In order to prevent danger to and/or adverse affects upon the public health, safety, or order, the following licensing procedure is hereby adopted to regulate the use of any premises upon or within which any concert, dance, exhibition, cabaret, public show of any description, theatrical exhibition, public amusement, exhibition of every description, game, sport (unless specifically excluded), fair, exposition, play, entertainment or public diversion is to be conducted. For purposes of this by-law any of the foregoing events shall be included hereafter in the term "public entertainment".

6.1A No "public entertainment" shall be conducted on any premises within the Town of Foxborough for which the number of tickets available for sale exceeds 15,000 unless a license for such public entertainment has previously been issued therefor by the board of selectmen and in accordance with the provision of this by-law.

6.1B¹

6.2 Application for such a license shall be on such form as approved by the board of selectmen, and shall be accompanied by such security plans, pedestrian and vehicular traffic plans, and other documentation as said board shall determine. Copies of any such application shall at the same time they are submitted to the board be mailed by the applicant, postage prepaid or delivered to:

- a) Chief of Police - Town of Foxborough;
- b) Fire Chief - Town of Foxborough;
- c) Chairman - Stadium Advisory Committee;
- d) Building Commissioner - Town of Foxborough;
- e) Board of Selectmen - Town of Walpole.

¹ STM December 15, 2008, Article #11, deleted section.