Revised Ordinances of the
City of Attleboro

AS COMPiled, CONSOLIDATED, CODIFIED, AND ADOPTED
BY THE MUNICIPAL COUNCIL OF THE CITY OF ATTLEBORO,
JANUARY 22, 1976, EFFECTIVE MARCH 1, 1976---AND
INCORPORATING ALL SUBSEQUENT AMENDMENTS
ADOPTED BY THE MUNICIPAL COUNCIL THROUGH

*PLEASE NOTE*

THE FOLLOWING COMPILATION REPRESENTS THE REVISED
ORDINANCES OF THE CITY OF ATTLEBORO AS AMENDED
THROUGH AUGUST 20, 2020. SPECIFIC DELETIONS, ADDITIONS
AND AMENDMENTS MAY HAVE SUBSEQUENTLY BEEN MADE BY
THE ATTLEBORO MUNICIPAL COUNCIL.

____________________
STEPHEN K. WITHERS
CITY CLERK
Municipal Council
City of Attleboro, Massachusetts

January 22, 1976

To His Honor, Raymond L. Macomber, Mayor

I hereby certify that at the meeting of the Honorable Municipal Council held on Tuesday evening, January 20, 1976, the following votes were passed:

1. Voted on Roll Call - 11 yeas - to adopt the following Ordinance:

   ORDINANCE ADOPTING A REVISI0N AND CODIFICATION OF THE ORDINANCES OF THE CITY

   SECTION 1. There is hereby adopted by the Municipal Council that certain volume, entitled "Revised Ordinances of the City of Attleboro", containing certain ordinances as compiled, consolidated, codified and indexed in Chapters 1 to 16, both inclusive, copy of which volume has been and is now files in the office of the City Clerk.

   SECTION 2. The provisions of said Revised Ordinances shall be in effect on and after March 1, 1976, and all ordinances not contained in such Code are hereby repealed from and after said March 1, 1976, except as hereinafter provided.

   SECTION 3. The repeal provided for in the preceding section of this ordinance shall not affect the acceptance and adoption of any act of the legislature lawfully accepted and adopted prior to said March 1, 1976; nor shall it affect any act done or any contract or right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any suit or proceedings had or commenced before said March 1, 1976; nor shall it affect any penalty or forfeiture incurred before said March 1, 1976; nor shall it affect any suit or prosecution pending as of said March 1, 1976, for an offense committed or for the recovery of a penalty or forfeiture incurred under any of the ordinances repealed; not shall such repeal affect any ordinance or resolution promissory or guaranteeing the payment of money for the City or authorizing the issue of any bonds of the City or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall it affect any right or franchise conferred by ordinance or resolution of the City or any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect the existing Zoning Ordinance of the City or any amendment thereto.

   SECTION 4. Whenever in the Revised Ordinances adopted by this ordinance or in any other ordinance of the City or in any rule, regulation or order promulgated by an officer or agency of the City under authority duly vested in him or it any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing failure to do any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, the violation of any such provisions of such Revised Ordinances or any other ordinance of the City or such rule, regulation or order shall be punished by a fine not exceeding two hundred dollars.

   SECTION 5. It is hereby declared to be the intention of the Municipal Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Revised Ordinances hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Revised Ordinances hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining, phrases, clauses, sentences, paragraphs and sections.

Attest: City Clerk
SUSAN D. FLOOD

(updated 8/20/2020)
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CHAPTER 1
GENERAL PROVISIONS

Section 1-1 Designation

The ordinances embraced in the following Chapters and Sections shall constitute and be designated "Revised Ordinances of the City of Attleboro" and may be so cited.

Section 1-2 Repeal and Effect on Prior Ordinances

All ordinances and parts of ordinances passed and ordained by the Municipal Council prior to the effective date hereof are hereby declared to be and are hereby repealed; provided, however, that such repeal shall not in any way affect the existing zoning ordinances of the City or any amendments thereto, nor revive any ordinance heretofore repealed or superseded nor any office heretofore abolished.

Such repeal shall not affect the acceptance and adoption of any Act of Legislature heretofore lawfully accepted and adopted, and it shall not affect any Act done or any right accruing, accrued or established, or any proceedings, doings or Acts ratified or confirmed, or any suit or proceedings had or commenced before the repeal takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this Chapter and the following Chapters of this volume; it shall not affect any penalty or forfeiture incurred before it takes effect, under any of the ordinances repealed; it shall not affect any suit or prosecution pending at the time of the repeal for an offense committed, or for the recovery of a penalty or forfeiture incurred under any of the ordinances repealed, except that the proceedings therein shall, when necessary, conform to the provisions of this and the following Chapters.

All persons who, at the time when such repeal takes effect, hold any office under any of the ordinances repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision has been lawfully made. The provisions of this Chapter and the following Chapters of this volume, so far as they are the same as those of existing ordinances, shall be construed as a continuation thereof and not as new enactments.

Section 1-3 Severability

If any part or parts, section or subsection, sentence, clause or phrase of these ordinances is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of these ordinances.

Section 1-4 Catchlines of Sections

The catchlines of the several sections of these ordinances are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Section 1-5 Penalties for Violation of Ordinances, Rules and Regulations

1-5.1 General Penalty

Any person violating any provision of these ordinances for which no specific penalty is provided shall be punished by a fine not to exceed two hundred ($200.00) dollars.
In accordance with the provisions of General Laws Chapter 40, Section 21D as amended, the following ordinance for the noncriminal disposition of violations is hereby adopted:

a. Any person taking cognizance of a violation of a specific ordinance, rule or regulation for which there is a specific penalty and which he is empowered to enforce, hereafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the Attleboro District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

b. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, such copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer or department head to the offender’s last known address, within fifteen (15) days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

c. At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such violation he has taken cognizance of during each tour which have not already been delivered or mailed by him as aforesaid. The commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the Clerk of Court before which the offender has been notified to appear.

d. Any person notified to appear before said Clerk of Court may so appear and confess the offense charged, either personally or through a duly authorized agent, or may mail to the Attleboro City Clerk, together with said written notice, the sum of money fixed by the City as the penalty for violation of the ordinance, rule or regulation. Such payment shall, if mailed, be made only by postal note, money order or check. Upon receipt of such notice and payment, the City Clerk shall forthwith notify the said Clerk of Court of such payment, and the receipt by the Clerk of Court of such notification shall operate as a final disposition of the case. Any appearance made before said Clerk of Court hereunder shall not be deemed to be a criminal proceeding.

e. The notice to appear provided for herein shall be printed in such form as the Chief Justice of the District Court shall prescribe.

f. For the purposes of this ordinance, the "enforcing person" shall mean any police officer of the city, the Health Officer and Health Agents, the Inspector of Buildings or his designee, and any other person who may be designated as the enforcing person in the applicable ordinance, rule or regulation.

Section 1-6 City Seal

The design for the seal of the City of Attleboro shall be a shield bearing marks to represent those made on the deed of the North Purchase by Chief Wamsutta, above a tongueless lion, an emblem identified for centuries with Attleborough, England. The shield shall be surrounded by a chain with ends untied by a swivel and springring, indicating the long established industrial association of jewelry manufacturing. The shield and chain shall be enclosed within the words "City of Attleboro, Massachusetts", and the date of the incorporation as a town, 1694.

The custody of the seal shall be with the City Clerk.

1-6.1 City Flag

The design of the official flag of the City of Attleboro, shall be of white cloth material, such as cotton on rayon. The seal of the City of Attleboro shall be centered on both sides of the flag. The colors of the seal shall be these true colors of white, gold, red and blue. The bordering edge of the flag may be done with a gold fringe. The size of the flag shall be of the same size as the official flag of the Commonwealth of Massachusetts as the one which stands in the City Council Chambers.

Section 1-7 Wards
The existing boundaries of the six wards of the City are hereby reaffirmed. The description of the said boundaries is to be kept on file in the office of the Election Commissioners.

Section 1-8 Sale of City Document

1-8.1 List of Persons Book (amended 8/17/99)

The List of Persons Book prepared by the Board of Election Commissioners shall be furnished free of charge, as provided by law, to all political committees and to all political candidates of the various districts in which the City is located. There shall be a $20.00 charge for all other printed copies and a $10.00 charge for all other copies supplied on a computer disk.

1-8.2 Ordinance Book

The Manual of the City Government, containing the Revised Ordinances of the City of Attleboro, the Rules of Procedure of the Municipal Council, and a list of the General Laws accepted by the City of Attleboro, shall be furnished free of charge to all elected and appointed officials of the City and to all City Departments. There shall be a $20.00 charge for all other copies.

Supplementary sections updating the Manual of City Government will be mailed on monthly basis to those who request such mailings from the Office of the City Clerk and pay a yearly fee of $20.00.

1-8.3 Zoning Ordinance and Map

The Zoning Ordinance, Chapter 17 of the Revised Ordinances of the City of Attleboro shall be available free of charge to all elected and appointed officials of the City. There shall be a $10.00 charge for all other copies.

The Zoning Map of the City of Attleboro shall be available at a charge of $5.00 for each of the four sections (total map $20.00).

Section 1-9 Time and Place of Municipal Council Meetings (Amended 10/1/2013)

1-9.1 The regularly scheduled meetings of the Municipal Council shall be held on the first and third Tuesdays of each month, except for the months of July and August. In July, meetings will be on third Tuesday and Thursday of the month. In August, meetings will be on the third Tuesday and Thursday of the month.

1-9.2 Regular Meetings shall be held in the Attleboro City Hall Municipal Council Chambers, 77 Park Street, Attleboro, commencing at 7:00 p.m. unless the time and/or place is changed to any other public building suitable (including broadcasting by the media) for conducting City business by a vote of the Municipal Council or by the Council President, and notice of such change is given, as required by the Open Meetings Law. Whenever a regularly scheduled meeting falls on a holiday the Municipal Council shall meet on the call of the council president at the next appropriate time.

1-9.3 The Municipal Council President or, in his absence, the Vice-President, shall have the authority to postpone any regularly scheduled meeting or to change the place of any meeting when necessary due to severe and extreme conditions such as storms, floods and fires. The President may move a meeting due to anticipated attendance as well. Any postponed meeting shall be held on the next possible evening within the rules of the Open Meeting Law.

Section 1-10 City-Owned Vehicles (Amended 11/3/92)

1-10.1 All motor vehicles owned by the City of Attleboro shall be registered in its name. No City-owned motor vehicles shall be used for any purpose other than official City business.

1-10.2 All City-owned vehicles shall be stored on City property when not being used on official City business. However, the Mayor may allow such exceptions as necessary.

1-10.3 All City-owned motor vehicles, except certain vehicles used by the Police Department and designated by the Police Chief, shall be clearly identified as City property by having lettered on the front doors of each side of the vehicle, in letters at least three (3) inches high, the name of the City and the Department to which the vehicle has been assigned.

1-10.4 It shall be the responsibility of each department head and the official in charge of any other city agency or office to which City-owned motor vehicles are assigned to see that the provisions of this ordinance are carried out.

(updated 8/20/2020)
Section 1-11 Automobile Maintenance and Expense Reimbursement (Amended 6/27/00)

1-11.1 Officers and employees of the City of Attleboro who have been authorized by the Mayor and by an appropriation by the Municipal Council to receive compensation for mileage accrued to privately owned vehicles while in the performance of their official duties, unless otherwise covered by a contractual agreement, shall receive compensation at the current approved Internal Revenue Service (IRS) standard mileage rate. This ordinance shall be effective July 1, 2000.

All requests for said compensation shall be submitted on a voucher for the approval of the Mayor and City Auditor. All vouchers shall be signed by the officer or employee attesting to the validity of the information therein contained, specifically:

A. The date or dates on which the mileage was incurred.

B. The year, make and registration number of the vehicle including the name of the registered owner.

C. The odometer reading prior to and subsequent to, as well as the total amount of, mileage accrued during the official travel.

D. The total amount of requested reimbursement.

1-11.2 Officers and employees of the City of Attleboro who have been authorized by the Mayor and by an appropriation by the Municipal Council to receive compensation for tolls, food, lodging and other necessary expenses while in the performance of their official duties may receive compensation for said expenses in accordance with the provisions of General Law Chapter 40, Section 5 (34). All requests for said compensation shall be submitted on a voucher for the approval of the Mayor and City Auditor. Said voucher shall contain such detail and supporting documents as the City Auditor may require.

1-11.3 Any officer or employee of the City of Attleboro who fails to comply with any provision of this ordinance shall not be eligible for compensation provided by this ordinance.

Section 1-12 Gifts to the City of Attleboro (amended 9/2/08)

A. Gifts of Tangible Personal Property

1. Acceptance: The City of Attleboro may accept gifts of tangible personal property in accordance with M.G.L. Chapter 44, Section 53A ½ from any source only with the approval of the Municipal Council.

2. Use: Any such gifts of tangible personal property shall be used for the stated purpose of the gift without specific appropriation. If no restrictions are attached to a gift of tangible personal property, the Municipal Council shall determine the purposes for which the gift shall be used.

B. Grants or Gifts of Funds

1. School Department: The Attleboro Schools may accept grants or gifts of funds in accordance with M.G.L. Chapter 71, Section 37A for educational purposes from any source and may disburse the same for such purposes.

a. Any amount so received by a school committee of a city or town shall be deposited with the City Treasurer and held as a separate account.

b. Such grant or gift funds may be expended by said school committee without further appropriation.

2. Other Departments: Any officer or department of the City may accept grants or gift of funds for other than educational purposes in accordance with M.G.L. Chapter 44, Section 53A from any source.

a. Any amounts so received by an officer or department of the City shall be deposited with the City Treasurer and held as a separate account.

b. Except as provided in sub-section (c) below, an officer or department receiving such grant or gift of funds may expend such funds for the purposes of such gift or grant only with the approval of the Mayor and Municipal Council. Upon receipt of such approval from the Mayor and Municipal Council, such funds may be expended by such officer or department receiving the grant or gifts without further appropriation.
c. Monetary grants or gifts of funds to any officer or department of the City in a total amount of less than $5,000.00 may be expended by such officer or department with the approval of the Mayor. Upon receipt of such approval from the Mayor, such funds may be expended by such officer or department receiving the grant or gift of less than $5,000.00 without further appropriation or approval by the Municipal Council.

Section 1-13 Appointments Not Specifically Provided in Ordinances

A person appointed to an office authorized by General Law but not specifically provided by these Ordinances shall be a person especially fitted by education, training and experience to perform the duties of the said office.

Section 1-14 Oath of Office (Amended 2/5/91)

Every person appointed or elected to a Municipal office shall, before performing any act under his/her appointment/election, take and subscribe to an oath to qualify him/her to enter upon his/her duties. Said oath may be administered by the Mayor or any office authorized by law to administer oaths. If the oath of office is not administered within thirty (30) days of the Mayor accepting the Municipal Council vote, the confirming vote of the Council shall be deemed null and void and the appointment/election shall be ruled not confirmed. The City Clerk shall transmit the names of such persons to the Mayor and Municipal Council after the said thirty-day period of time. The Mayor may then resubmit the name of the same person or submit a new nomination.

Section 1-15 Student Member Appointments (Adopted 4/2/96)

Any board or commission consisting of more than four members may by majority vote request the Mayor to appoint a student member for a term of one school year (August through July). A student member shall be at least 16 years of age and a resident of the City of Attleboro. Each such appointment shall be subject to confirmation by the Municipal Council.

Section 1-16 Moratoriums (Adopted 1/16/18)

16-1.1 Purpose

At the State election held on November 8, 2016, the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for non-medical purposes, codified as Chapter 334 of the Acts of 2016 (the “Act”) and subsequently amended, in part, by Chapter 351 of the Acts on 2016. The Act took effect on December 15, and, among other requirements, requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting application for licenses on April 1, 2018.

At this time, a non-medical Marijuana Establishment (hereinafter, a “Marijuana Establishment”) as defined in G.L. c. 94G, § 1, is not specifically addressed in the Revised Ordinances of the City of Attleboro. Accordingly, Marijuana Establishments are not a permitted use in the City. Regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the City in regulating Marijuana Establishments.

The regulation of Marijuana Establishments raise novel and complex legal, planning, and public safety issues and the City needs time to study and consider the regulation of Marijuana Establishments to address these issues. Further, it is necessary for the City to address the potential impact of the Act, and the not-yet promulgated State regulations, on zoning, public safety, and public welfare, and to undertake a planning process to appropriately address these concerns through ordinances and other applicable laws and regulations, consistent with the Act and future regulations. Therefore, the City intends to adopt a temporary moratorium on the use of land and structures in the City for Marijuana Establishments so as to allow the City sufficient time to engage in this planning process to address the effects of such structures and uses in the City and to adopt ordinances in a manner consistent with sound land use planning goals and objectives, consistent with both the Act and future regulations.

16-1.2 Definitions

“Marijuana Establishment”, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, all as defined under Massachusetts General Laws, Chapter 94G, Section 1.

16-1.3 Temporary Moratorium

1. For the reasons set forth above and notwithstanding any other provision of the Revised Ordinances of the City of Attleboro to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for Marijuana
Establishments. The moratorium shall be in effect through September 15, 2018 unless extended, modified, or rescinded by a subsequent action of the Municipal Council or the result of ballot action by voters.

2. The use of land and/or structures for Marijuana Establishments and/or any related uses shall not be permitted in any zoning district in the City, so long as this temporary moratorium is effective. Use variance shall be strictly prohibited.

3. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City, consider the Cannabis Control Board regulations regarding Marijuana Establishments and related uses, determine whether the City shall restrict any, or all, licenses for Marijuana Establishments, determine whether the City will prohibit on-site consumption at Marijuana Establishments and shall consider adopting new provisions of the Revised Ordinances of the City of Attleboro to address the impact and operation of Marijuana Establishments and related uses, or take any other action in relation thereto.

4. In the event of any conflict between the provisions of this ordinance and any other applicable state or local law, the stricter provisions, as deemed by the Building Inspector, shall control.

5. The provisions of the ordinance are severable. If any provision, paragraph, sentence, or clause of the ordinance is found to be invalid, such invalidity shall not affect the other provisions or application of this ordinance, to the extent permitted by law.

This ordinance shall become effective upon its passage.

General Law Authority for Certain Appointments
Board of Licenses (GL Ch. 138, Sec 4)
Conservation Commission (GL Ch. 40, Sec. 8C - Accepted 12-4-62)
Contributory Retirement Board (GL Ch. 32, Sec. 20)
Development & Industrial Commission (GL Ch. 40 Sec. 8A - Accepted 5-7-57)
Disability Commission (GL Ch. 40, Sec. 8J – Accepted 3-5-19 – Effective 7/1/19)
Dog Officer (GL Ch. 140, Sec. 151)
Election Commission (GL Ch. 51, 16A - Accepted 12-18-62)
Fence Viewers (GL Ch. 49, Sec. 1)
Forest Warden (GL Ch. 48, Sec. 8)
Historical Commission (GL Ch. 40, Sec. 8D - Accepted 2-20-68)
Housing Authority (GL Ch. 121 B, Sec. 3 - Accepted 4-48)
Inspector of Animals (GL Ch. 129, Sec 15)
Keeper of Lockup (GL Ch. 40, Sec. 35)
Redevelopment Authority (GL Ch. 121 B, Sec. 4 - Accepted 9-7-65)
Sealer of Weights and Measures (GL Ch. 98, Sec. 34)
Soldiers Relief and Burial Agent (GL CH. 115, Sec. 3)
Veteran's Agent
Superintendent of Insect and Pest Control (GL CH. 132, Sec. 13)
Veterans' Graves Officer (GL Ch. 115, Sec. 9) - Veterans' Agent

(updated 8/20/2020)
CHAPTER 2
ADMINISTRATION

Section 2-1 Mayor's Department

2-1.1 Organization

There is hereby established within the Municipal Government a Mayor's Department headed by the Mayor who shall be elected for a term of two years by and from the voters in accordance with the provisions of the Attleboro Home Rule Charter. The Mayor shall receive such salary as the Municipal Council shall determine by ordinance.

2-1.2 Powers and Duties

The executive powers of the City shall be vested solely in the Mayor, and may be exercised by the Mayor either personally or through the several officers or boards of the City in their respective departments, under the Mayor's general supervision and control.

The Mayor shall have all the powers and duties now or from time to time vested in Mayors by the Attleboro Home Rule Charter, General Law or Special Act.

2-1.3 Assistant to the Mayor (Amended 10/7/97)

There is hereby established within the Mayor's Department the position of Assistant to the Mayor. The Mayor shall appoint the Assistant to the Mayor for a term of one year, subject to confirmation by the Municipal Council. The Assistant to the Mayor shall possess at least a Bachelor's Degree in Public or Business Administration, or alternatively in Urban Planning, Political Science, or a similarly related field and shall be particularly fitted by education, training, and experience to perform the duties of the office. The Assistant to the Mayor shall receive such salary as the Mayor and the Municipal Council shall from time to time determine.

The Assistant to the Mayor, under the supervision and control of the Mayor, shall:

a. Provide assistance to the Mayor, as requested, in liaison with State, Federal and other municipal officials concerning city business;

b. Confer with Department Heads and other officials in assembling data requested by the Mayor and assist in the communication and distribution of such data;

c. Provide assistance to the Mayor, as requested, in liaison with Municipal Council and any other Boards and Commissions associated with the City;

d. Provide assistance to the Mayor, as requested, in providing government services to the public, addressing citizen concerns, and resolving citizen complaints;

e. Provide assistance to the Mayor, as requested, in development of city policy and goals and coordinating or directing special projects; and

f. Assist the Mayor in such tasks as may be assigned from time to time.

2-1.4 Purchasing Assistant (Deleted 12/17/02)

2-1.5 Staff

The Mayor, subject to appropriation, may employ such clerical, technical and other assistance as the Mayor deems necessary to carry out the duties of the Mayor's Department.

2-1.6 Human Services Coordinator

There is hereby established within the Mayor's Department the position of Human Services Coordinator. The Mayor shall appoint the Human Services Coordinator for a term of two years, subject to confirmation by the Municipal Council. The Human Services Coordinator shall possess at least a Bachelor's degree in a human services related field and shall be particularly fitted by education, training and experience to perform the duties of the office. The Human Services Coordinator shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

(updated 8/20/2020)
The Human Services Coordinator, under the supervision and control of the Mayor, shall:

a. Identify community needs in the area of Human Services and promote community capacity to fill these needs;

b. Monitor existing services, facilitate communication among Human Service Providers, and strengthen the network of programs available to the community;

c. Initiate Human Services planning, identify funding sources, apply for appropriate grants and administer grant-funded activities for the City of Attleboro;

d. Confer with and provide assistance to the Mayor, Municipal Council, department heads and other officials in the assembly of Human Services data;

e. Provide information regarding state and federal Human Services legislation.

Section 2-2 City Clerk's Department

2-2.1 Organization

There is hereby established within the Municipal Government a City Clerk's Department headed by the City Clerk who shall be elected for a term of two years by and from the voters in accordance with the provisions of the Attleboro Home Rule Charter. The City Clerk shall receive such salary as the Municipal Council shall determine by ordinance.

2-2.2 Powers and Duties

The City Clerk shall have the powers and duties with regard to the keeping of records and vital statistics and the issuance of licenses as are established by General Law.

The City Clerk shall have all the powers and duties now or from time to time vested in City Clerks by the Attleboro Home Rule Charter, General Law, or Special Act.

2-2.3 Assistant City Clerk (amended 12/2/14)

The City Clerk shall appoint an Assistant City Clerk, with the approval of the Mayor. The term of the Assistant City Clerk shall expire on the first Tuesday following the first Monday in January odd numbered years. In the absence of the City Clerk or in the event of a vacancy in the office of City Clerk, the Assistant City Clerk shall discharge the duties of the City Clerk. In the event of a vacancy in the office of Assistant City Clerk, the City Clerk shall appoint an Assistant City Clerk, with the approval of the Mayor, to complete the unexpired term of office.

2-2.4 Staff

The City Clerk, subject to appropriation, may employ such clerical, technical and other assistance as the City Clerk deems necessary to carry out the duties of the City Clerk's Department.

Section 2-3 City Solicitor

2-3.1 Organization  (Amended 5/17/94)

There is hereby established within the Municipal Government the office of City Solicitor. The Mayor shall appoint the City Solicitor for a term of one year, subject to confirmation by the Municipal Council. The City Solicitor shall be an attorney at law qualified to practice in the courts of the Commonwealth and if associated with a law firm may be assisted by members of that firm. The City Solicitor shall not hold any other office under the city government. The City Solicitor shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

2-3.2 Powers and Duties

The City Solicitor shall prepare and draft all legal instruments in which the City may be interested and which by law, usage or agreement the City is at the expense of drawing; commence and prosecute all actions and suits begun by the City, and defend all actions brought against the City in any courts or tribunals in this Commonwealth, and also appear as counsel in any action, suit or prosecution which may involve the rights and interests of the City, and defend any of the officers of the City in suits and prosecutions against them for any official action or the performance of any official duty, when any estate, right, privilege, ordinance, act or direction of the City Government shall be brought into question; appear as counsel before the Legislature of
the Commonwealth and any committee thereof, whenever the interests and welfare of the City may be directly or indirectly affected; give his legal opinion and professional advice on any subject relating to the affairs of the City or the duties of any of its officers, whenever required by the Mayor, Municipal Council or any standing or special committee thereof, or by the School Committee, or any officers of the City Government; and to generally perform those duties appertaining to said office as the legal advisor and attorney of the City.

2-3.3 Staff

The City Solicitor in special cases, with the approval of the Mayor, and subject to appropriation, may secure the advice or services of such additional counsel as he may deem necessary.

2-3.4 Investigations

The Mayor shall designate a member of the Police Department to make such investigations as the City Solicitor may require in preparation and trial of civil causes in which the City shall be a party. Such officer shall receive no additional compensation for any service rendered under this section.

2-3.5 Accident Reports

The heads of any department of the City employing any person or persons in the case of any injury or accident to such person or persons, and the Police Chief, in case of an injury or accident in the streets, squares or public places of the City from causes which might render the City liable for damages in consequence thereof, shall immediately, upon receipt of notice thereof, thoroughly investigate such injury or accident, obtain the names of witnesses and all facts bearing on the case, and report the same to the City Solicitor.

2-3.6 Annual Report

The City Solicitor shall annually, in the month of January, make a report in writing to the Municipal Council; which report shall include a brief statement of the cases pending or decided during the preceding year to which the City was a party.


Section 2-4 Council on Aging (Amended 10/5/93)

2-4.1 Organization

There is hereby established within the Municipal Government an unpaid Council on Aging consisting of eleven members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro, especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of four (4) years with the term of at least two (2) members to expire each year. Members of the Council on Aging shall elect their chairman annually. The Council on Aging shall have all the powers and duties now or from time to time vested by General Law or special Act in Councils on Aging.

2-4.2 Council on Aging Director

There is hereby established within the Municipal Government the position of Council on Aging Director. The Mayor shall appoint the Director for a term of three years, subject to confirmation by the Municipal Council. In the event of a vacancy, the Mayor shall appoint the Director from candidates recommended by the Council on Aging, subject to confirmation by the Municipal Council. The Director shall possess at least a Bachelor’s Degree with at least two years experience in human services and elder affairs or a closely related field, knowledge of federal and state regulations regarding human services and elder affairs and shall be particularly fitted by education, training and experience to perform the duties of the office. The Director shall receive the salary established for the position under the City’s Compensation Plan.

2-4.3 Powers and Duties
The Director under the general supervision and control of the Mayor, shall supervise, coordinate or carry out programs designed to meet the problems of the aging in coordination with the programs of the Commonwealth of Massachusetts. The Director shall:

a. Identify the total needs of the community’s elderly population;
b. Provide information to city officials, agencies and the general population and enlist support of all citizens in addressing these needs;
c. Design, promote and implement services to fill these needs, or coordinate present existing services in the community;
d. Identify funding sources, apply for appropriate grants and administer grant-funded programs;
e. Promote and support any other programs which are to assist elderly programs in the community;
f. Provide administrative and technical assistance to the Council on Aging and act as a liaison between the Council on Aging and other agencies.

2.4-4 Staff

The Director, subject to appropriation, may employ such clerical and other assistance as is deemed necessary by the Council on Aging to carry out its functions.

Section 2-5 Hospital Board Representatives

The representatives of the City of Attleboro on the Board of Managers of the Attleborough Hospital shall be the City Treasurer, Ex-officio, and two members to be chosen annually by the Municipal Council and confirmed by the Mayor. The persons eligible to such office are the Mayor and members of the Municipal Council. These appointments are provided for by the trust instrument dated September 5, 1912, conveying to the Attleborough Hospital the real estate devised in the will of the late Ellen A. Winsor.

2-6 Deleted 10/20/86

Section 2-7 Municipal Council (Amended 6/17/01)

2-7.1 Administrative Assistant to the Municipal Council

A. There is hereby established within the Office of the Municipal Council the position of Administrative Assistant. As soon as practicable after it has been organized, the Municipal Council shall elect, by roll call vote, said Administrative Assistant for a term of two years. The Administrative Assistant may be removed by an affirmative roll call vote of two-thirds of the full Council. The Administrative Assistant shall be a person especially fitted by education, training and experience to perform the duties of the position, and shall receive such salary as the Municipal Council shall determine by Ordinance in accordance with the Wage Classification Plan.

B. Powers and Duties

The Administrative Assistant to the Municipal Council shall serve the full Council and the committees thereof at all regular and special meetings, public hearings, committee meetings when required, and shall be responsible for all Council legislative administration under the general supervision of the President of the Municipal Council.

C. Staff

The Municipal Council, subject to appropriation, may employ such clerical or other assistance as deemed necessary to carry out the functions of the office.

2-7.2 Financial Analyst (Amended 6/17/01)

There is hereby established within the Office of the Municipal Council the position of Financial Analyst. The Financial Analyst shall be elected by the Municipal Council for a term of two years and shall be especially fitted by education, training and experience to perform the duties of the office. The Financial Analyst shall receive such compensation as the Mayor and Municipal Council shall from time to time determine.

(updated 8/20/2020)
The Financial Analyst, under the administrative direction of the Municipal Council President, shall work in conjunction with other appropriate city and state officials and agencies, to provide information and assistance to the members of the Municipal Council with respect to any and all budgetary and financial oversight issues and activities.

**Section 2-8 Municipal Building Commission**

2-8.1 Organization

There is hereby established within the Municipal Government an unpaid Municipal Building Commission consisting of nine members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office and shall have no personal or financial interest in any contract supervised by or which could be supervised by said Commission. Each member shall serve for a term of three years with the term of three members to expire each year. The Mayor shall appoint the Chairman annually.

2-8.2 Powers and Duties

The Municipal Building Commission, under the direction and control of the Mayor, shall be responsible for the construction of new school buildings. The Commission shall be responsible for the preparation of building and site specifications consistent with the educational specifications provided to the Commission by the School Committee. After approval by the School Committee of the said buildings and site specifications insofar as they affect educational specifications, the Commission shall take all necessary steps to construct the said school buildings or additions thereto.

The Mayor shall authorize the Municipal Building Commission to assume responsibility for the construction of other municipal buildings or additions to already established municipal buildings.

2-8.3 Staff

The Municipal Building Commission, subject to appropriation, may employ such technical, clerical or other assistance as it deems necessary to carry out its functions.

**Section 2-9 Traffic Study Commission (amended 2/5/08)**

2-9.1 Organization

There is hereby established within the Municipal Government an unpaid Traffic Study Commission consisting of the Superintendent of Public Works, Ex-Officio, Police Chief, or his designee, nonvoting Ex-Officio, Chairman of Transportation and Traffic City Council Committee, nonvoting Ex-Officio and six members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years with the term of two members to expire each year. Members of the Traffic Study Commission shall elect their chairman and secretary annually.

2-9.2 Powers and Duties

The Traffic Study Commission, under the general supervision and control of the Mayor, shall study traffic conditions throughout the City of Attleboro. The Commission shall consult with those departments, boards and commissions of the City, and other organizations within or without the City, which have a common interest and responsibility in the improvement of traffic conditions in the City. The Commission shall from time to time made recommendations to the Mayor and Municipal Council on ways and means of improving traffic conditions within the City.

2-9.3 Staff

The Traffic Study Commission, subject to appropriation, may employ such clerical, technical and other assistance as it deems necessary to carry out its functions.

**Section 2-10 Reports of City Officials**

(updated 8/20/2020)
All departments, boards, commissions or councils having allocated funds shall file monthly reports with the Mayor and the Municipal Council, within ten days after the end of the month, showing all pertinent business, progress or special activity within the department, board, commission or council during the month with special emphasis on funds allocated by the budget, the money expended, and the balance outstanding.

Section 2-11 Acquisition and Disposition of Real Property

This Section sets forth the procedures to be followed by the City in acquiring real property or an interest therein by purchase or rental and in disposing of real property owned by the City. Real property includes land and buildings and appurtenant structures and fixtures attached to land and buildings. An interest in real property includes, but is not limited to, a title, lease, mortgage, lease-purchase agreement, rental agreement, tenancy-at-will, or easement. Nothing contained in this ordinance shall be construed to conflict with the provisions of Chapter 30B of the General Laws which governs the acquisition and disposition of real property or an interest therein by governmental bodies. Chapter 30B does not apply to eminent domain and tax title takings by the City or to a redemption or auction of tax title property authorized under the provisions of Chapter 60 of the General Laws. Any sale of tax title property by other than an auction, including a sale after foreclosure, is subject to Chapter 30B.

2-11.1 Acquisition of Real Property (Amended 1/21/03, 4/19/16)

Prior to acquiring real estate or an interest therein by purchase or rental at a cost exceeding thirty-five thousand ($35,000) dollars, the city shall solicit written proposals by advertisement in the manner provided for in Section 2-11.3.

The Mayor's designee, with the advice and assistance of the appropriate department head and other City officials, will prepare the request for proposals. The request for proposals shall contain a description of the property needed by the City, shall indicate how the proposals will be evaluated, and shall set forth the submission requirements and the contract terms and conditions.

2-11.2 Disposition of Real Property (Amended 1/21/03, 4/19/16)

Real estate owned by the City shall not be disposed of by sale or rental until it has been declared available for disposition by the Mayor and the Municipal Council. The initial declaration shall be made in writing from the Mayor to the Municipal Council and shall suggest restrictions, if any, to be placed on the subsequent use of the property. Prior to the making of such determination, the Mayor shall determine if any department of the City has an interest in the property. The Mayor's designee shall maintain an inventory of City-owned property.

Upon receipt of the Mayor's request that any parcel of real estate be declared available for disposal, and before the City solicits proposals for the acquisition of said real estate, the Municipal Council shall hold a public hearing on such request. Notice of the time and place of the public hearing shall be published at least seven (7) days prior to the hearing date. The Municipal Council shall thereafter make a determination as to whether the subject real estate shall be declared available for disposition and shall specify the restrictions, if any, to be placed on the subsequent use of the property, and any other applicable conditions.

Prior to the disposal of any real estate, the City shall determine its value through procedures customarily accepted by the appraising profession as valid. The assessed value of the property may be used if it is current. If the value of the property to be disposed of exceeds thirty-five thousand ($35,000) dollars, the City shall solicit written proposals for the purchase or rental of the property by advertisement in the manner provided for in Section 2-11.3. The Mayor's designee shall prepare the request for proposals.

2-11-3 Advertising for Proposals (Amended 4/19/16)

The City shall place an advertisement in a newspaper having general circulation in the City inviting the submission of proposals for the acquisition or disposition of real property, as the case may be. The advertisement shall be published at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for the opening of proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the City shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the State Secretary pursuant to Section 20A of Chapter 9 of the General Laws.

The City may shorten or waive the advertising requirement if:

(updated 8/20/2020)
1) The City determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, it shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

2) In the case of a proposed acquisition, the City determines in writing that advertising will not benefit the City's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfied the unique requirements. The City shall publish such determination and the reasons therefore, along with the names of the parties having a beneficial interest in the property pursuant to Section 38 of Chapter 7C of the General Laws, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the City executes a binding agreement to acquire the property.

2-11.4 Opening of Proposals

Proposals shall be opened publicly at the time and place designated in the advertisement and evaluated in accordance with the criteria set forth in the request for proposals.

2-11.5 Selection of Proposal (Amended 6/4/91)

The Municipal Council shall select the person from whom the real property is to be purchased or rented or to whom the real property is to be sold or rented, as the case may be. The Council may reject any and all proposals if it considers such to be in the best interest of the City. The name of the person so selected and the amount of the transaction shall be submitted to the State Secretary for publication in the central register. If the Municipal Council decides to dispose of the property at a price less than the value as determined prior to the soliciting of proposals, the City shall publish a notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

2-11.6 Payment Procedure (Amended 1/21/03)

The City Treasurer shall accept payment for the bid accepted by the Municipal Council. All proceeds of the sale of City-owned land, except tax title land, shall be applied in accordance with Section 63 of Chapter 44 of the General Laws. Proceeds from the sale of tax title land shall be deposited into the general fund in accordance with Section 23 of Chapter 59 of the General Laws. The purchaser shall be required to pay all costs, including advertising the sale, any appraisal fees, and pro forma taxes involved in the transfer of title to said property.

Section 2-12 Disposition of Property, Tangible Supply (adopted 4/7/05-Amended 5/1/12)

Section 2-12 Disposition of Property, Tangible Supply (adopted 4/7/05)

If any City department which has a “tangible supply” (which terms shall include but not limited to as office furniture, computers, file cabinets, work stations, student desks, office machines, kitchen equipment, building maintenance equipment, recreation equipment) no longer useful to the department but having resale or salvage value the department shall 1) Make this information known in writing to the Mayor. This shall be done by May 15th and September 15th of each year. The Mayor shall notify all City departments of such tangible supplies. 2) Any City department wishing to obtain that tangible supply shall request it in writing to the Mayor within 20 days of notice. 3) If no other department should request the tangible supply (s) the Municipal Council may declare the item surplus and available for disposition. 4) Disposition of this tangible supply shall be through any of the following measures:

   a. Any single item of tangible surplus supply with an estimated value in excess of $5,000.00 shall be sold, under the direction of the Mayor or is designee by sealed bid, public auction or through established markets;

   b. Disposition of any single item of tangible surplus supply with an estimated value of less than $5,000.00 may be done through a Yard Sale in accordance with Section 2-13; or

   c. Disposition of any single item of tangible surplus supply with an estimated value of less than $5,000.00 may be done by transferring such supply to non-profit organizations for less than fair market value pursuant to M.G.L. C. 30B, Section 15 (g) following a majority vote of the Municipal Council; or
d. The Mayor, or designee, may sell or otherwise dispose of any single item of surplus supply with a value of less than $5,000.00 through the exercise of sound business practices to serve the financial interests of the City; or

e. If the Mayor or his designee determines that an item of surplus tangible supply has no resale or salvage value, the Mayor or his designee may direct that such supply shall be discarded.

Nothing in this ordinance is intended to be contrary to the General Laws of Massachusetts Chapter 30B section 16.

Section 2-13 Disposition of Certain Tangible Surplus Supplies (adopted 10/18/05)

The Mayor may dispose of any City owned tangible supply no longer useful to the City which has a value under $5,000.00 through a yard sale. Any number of distinct and separate surplus items, each having a value of less than $5,000.00 may be included in a yard sale.

a. The Mayor or the Mayor’s designee shall set prices on items available for disposition.
b. City Councilors may participate in the yard sale but they may not establish prices for items to be sold.
c. The Mayor or the Mayor’s designee shall attempt to obtain prices set for items offered for sale but may adjust prices based upon his or her best judgment as to the market value of each item.
d. Any such yard sale shall be held at a specific time for a sufficient period of time, not to be less than two (2) hours or more than (6) hours, to allow public access to the items for sale.

Any yard sale conducted by the City shall conform to Section 17-14 of the City Ordinances.

Section 2-14 Council on Substance Abuse Prevention (Amended 12/5/95)

2-14.1 Organization

There is hereby established within the Municipal Government an unpaid Council on Substance Abuse Prevention, consisting of the Police Chief or his designee (Ex-Officio), the Superintendent of Schools or his designee (Ex-Officio), three representatives of community organizations working on substance abuse prevention to be designated by the Mayor for terms of one year and nine members to be appointed by the Mayor, subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of this office. Each member shall serve for a term of three years with the term of three members to expire each year. The members of the Council on Substance Abuse Prevention shall elect their chairman and secretary annually.

2-14.2 Powers and Duties

The Council on Substance Abuse Prevention under the general supervision and control of the Mayor, shall coordinate and/or carry out programs designed to promote the awareness of substance abuse and substance abuse prevention throughout the City. The Council shall consult with those departments, boards and commissions of the City, and other organizations within or without the City, which have common interest and responsibility in the area of substance abuse prevention.

The Council on Substance Abuse Prevention shall annually, or as appropriate make recommendations to the Mayor and Municipal Council on the ways and means of improving abuse prevention programs in the City.

Section 2-15 Building Superintendent

2-15.1 Organization

There is hereby established within the Municipal Government the office of Building Superintendent. The Mayor shall appoint the Superintendent for a term of one year subject to the confirmation of the Municipal Council. The Building Superintendent shall be qualified by training and experience to perform the duties of the position and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

2-15.2 Powers and Duties

The Building Superintendent, under the direction of the Mayor shall be responsible for the maintenance repair and renovation of the Government Center, Police Department and other buildings as assigned by the Mayor, provided that consent is received from those Boards or Commissions that have jurisdiction over those facilities.

2-15.3 Staff
The Building Superintendent, subject to appropriation, may employ such clerical, technical and other assistance deemed necessary to carry out the functions of the office.

Section 2-16 Designer Selection Procedure (amended 4/5/16)

2-16.1 (amended 4/5/16) A Procedure for the selection of designers for building construction, reconstruction, alteration, remodeling or repair projects the estimated cost of which exceeds ten thousand dollars shall be established in accordance with the provisions of General Laws, Chapter 7C, Sections 44-57. No such procedure or amendment to such procedure shall be effective until it is approved by the Municipal Council, following a proper advertised public hearing. Such procedure shall not apply to the selection of designers for Public Works projects bid under General Laws Chapter 30, Section 39M.

2-16.2 Subject to the approval of the Mayor, the Department, Committee, Board or Commission that will award and administer the design contract shall determine the nature and extent of the design services required for the project and develop the necessary criteria. Requests for proposals shall be advertised in a newspaper of general circulation in the City and in the Central Register. Any fee for said design services shall be subject to appropriation.

2-16.3 Any declaration by the Mayor of an emergency situation requiring expedited procedures shall be subject to the approval of the Municipal Council.

2-17 Council on Disabilities (Amended 1/3/95) (deleted 5/21/19)

Section 2-18 Council on Human Rights  (Established 8/19/94)

2-18.1 Organization

There is hereby established within the municipal government an unpaid Council on Human Rights consisting of nine members to be appointed by the Mayor, subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Insofar as is practicable, the members shall be selected so as to provide a culturally, economically and professionally diverse representation. Each member shall serve for a term of three years with the terms of three members to expire each year, provided that the members first appointed shall be appointed three members for one year, three members for two years, and three members for terms of three years each so as to provide for staggered terms. Members of the Council on Human Rights shall upon its organization and annually thereafter elect a chairman and secretary. The Human Rights Liaison Officer of the Police Department and the Attleboro Fair Housing Officer shall serve as non-voting ex-officio members of the Council.

2-18.2 Powers and Duties

The Council on Human Rights, under the general supervision and control of the Mayor, shall work to promote mutual respect and understanding among the individuals and groups in the city by improving the quality of public discourse and eliminating unlawful discrimination. The Council on Human Rights shall consult with those departments, boards and commissions of the city, and other organizations within or without the city, which have interest in and responsibility for eliminating discrimination and protecting the exercise of civil and human rights. The Council on Human Rights shall:

a. Promote understanding of diverse cultures through education and community action.
b. Increase community awareness of possible human rights violations.
c. Issue such publications and results of investigations and research as will tend to promote good will and to minimize or eliminate discrimination.
d. Enlist the cooperation of public and private racial, religious, ethnic, civic, fraternal and benevolent agencies in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious intergroup relationship.
e. Offer a public forum for any person or group with a perceived human rights grievance and serve as a source of mediation for the resolution of charges of unlawful discrimination.
f. Investigate reports of unlawful discrimination or harassment which may deny or tend to deny equal access to or opportunities in housing, employment, education, public accommodations, services and facilities to any person or group, and provide information with respect to the agencies of the City or to the Massachusetts
Commission Against Discrimination as appropriate.
g. Make recommendations to the Mayor, Municipal Council and School Committee regarding issues and actions that affect human rights.
h. Submit to the Mayor and Municipal Council an annual written report of the Council’s activities and such other reports as may be requested from time to time.

Section 2-19 Economic Development Incentive Board (Adopted 3/28/95) (Amended 2/5/08 to take effect 2/12/08)

2-19.1 Organization

There is hereby established within the municipal government an unpaid Economic Development Incentive Board (EDIB) consisting of the following officials: the Mayor, the President of the Municipal Council, the Chairman of the Municipal Council’s Committee on Capital Improvement and City Development, the City Assessor, the Director of Planning and Development, the City Treasurer or Chief Financial Officer, and the Economic Development Director.

2-19.2 Powers and Duties.

a. The EDIB shall negotiate agreements between the City of Attleboro 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 EDIB shall be legally binding only after ratification by the Municipal Council. The City's designation of specific job creation projects as "Certified Projects" shall be subject to final approval from the Massachusetts Economic Assistance Coordinating Council (EACC).

b. The EDIB shall direct the development of a Tax Increment Financing Plan and submit said plan to the Municipal Council and EACC as required by state law.

c. Subject to Municipal Council ratification, the EDIB shall determine, on a case-by-case basis, the need for local property tax incentives and establish, as appropriate, the maximum percentage of the cost of any development-related publicly-financed project to be recovered by betterment or special assessment against any parcel for which an agreement is proposed.

d. The EDIB 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 EDIB 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 EDIB 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.

2-19.3 Tax Increment Financing Zones

Subject only to the approval of the EACC, the EDIB shall establish Tax Increment Financing Zones in accordance with the Tax Increment Financing Plan within the Economic Target Area, Economic Opportunity Areas or in areas of exceptional economic opportunity as designated by the Municipal Council.

2-19.4 Exemptions from Property Tax

Each property tax exemption provided under this chapter shall become effective on July 1 of the year following the date on which the EACC approval is voted. 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."

Agreement to provide property tax incentives to "Certified Projects" shall be negotiated and executed in accordance with the following guidelines:

1. Incentives up to the allowable maximum for "Certified Projects" whose economic impact merits such consideration or that commit to hiring Attleboro ETA residents in 100% of the jobs to be created.

2. Incentives on a sliding scale proportional basis consistent with the commitment by
"Certified Projects" to hire Attleboro ETA residents in the jobs to be created.

2-19.5 Public Projects

Public projects that are required to facilitate economic development and area proposed to be financed through betterment or special assessment shall be reviewed by the EDIB and may be incorporated into the agreements negotiated with participating "Certified Projects." The EDIB shall establish a maximum percentage of the cost of any public project that shall be recovered through betterment or special assessment against each parcel for which an agreement is executed.

2-19.6 Reporting

Each "Certified Project" shall submit an annual report to the EDIB no later than June 30. The EDIB 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 Mayor, Municipal Council and EACC no later than July 31.

2-19.7 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 City in accordance with General Laws Chapter 23A and Chapter 40, Section 59, as amended. Should the EDIB 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 EDIB with the approval of the Municipal Council may petition the EACC to revoke the certification in accordance with appropriate procedures. Upon final action by the EACC, the EDIB shall forward to the Board of Assessors a copy of the revocation of certification and all incentives pursuant thereto.

2-19.8 Approval by the Massachusetts Economic Assistance Coordinating Council

The agreements negotiated by the EDIB and ratified by the Municipal Council shall become effective upon approval by the Massachusetts Assistance Coordinating Council.

Section 2-20 (Economic Development Director) (Amended 2/10/09)

There is hereby established within the Municipal Government the position of Economic Development Director. The Mayor shall appoint the Economic Development Director for a term of two years, subject to confirmation by the Municipal Council. The Economic Development Director shall possess at least a Bachelor's degree in public administration, urban planning, demonstrated project management experience or a closely related field (or equivalent experience), knowledge of federal and state statutes regarding economic development, and shall be especially fitted by education, training, and experience to perform the duties of the office. The Economic Development Director shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

The Economic Development Director, under the general supervision and control of the Mayor's Office, and working in conjunction with other appropriate city, state and federal officials and agencies, shall represent the City's interests in all matters pertaining to economic development. Specifically, the Economic Development Director shall:

a. Identify community needs in the area of economic development and promote the City's capacity to fill such needs;
b. Initiate economic development planning, identify funding sources, apply for appropriate grants and administer grant-funded activities;
c. Coordinate economic development projects with municipal planning and community development staff and appropriate appointed commissions;
d. Administer the Mayor's office of Economic Development and supervise staff assigned to economic development activities;
e. Provide assistance to the Mayor, Municipal Council, department heads and other officials with respect to economic development issues and activities.
CHAPTER 3
BUILDING

Section 3-1 Building Department

3-1.1 Organization

There is hereby established within the Municipal Government a Building Department headed by an Inspector of Buildings. The Mayor shall appoint the Inspector of Buildings for a term of three years subject to confirmation by the Municipal Council. The Inspector of Buildings shall be qualified in accordance with the provisions of the Commonwealth of Massachusetts State Building Code and General Laws, and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

3-1.2 Powers and Duties

The Inspector of Buildings, under the general supervision and control of the Mayor, shall enforce all the provisions of the State Building Code and any other applicable statutes, rules, regulations, or ordinances and act on any question relative to the mode or manner of construction, and the materials to be used in the construction, reconstruction, alterations, repair, demolition, removal, installation of equipment, and the location, use, occupancy and maintenance of all buildings and structures, except as otherwise provided.

The Inspector of Buildings shall enforce the Zoning Ordinance of the City of Attleboro.

3-1.3 Staff

The Inspector of Buildings may, subject to appropriation, employ such other clerical, technical and other assistance as deemed necessary to carry out the function of the Building Department.

3-1.4 Compensation of Inspectors (amended 2/6/07, 5/21/19)

The Inspectors of Plumbing and Gas shall receive as compensation for services rendered 65% of the gross amount of the Inspection Fees generated and collected by the discharge of his/her duties. The Inspector of Wires shall receive as compensation for services rendered 65% of the gross amount of the Inspection Fees generated and collected by the discharge of his/her duties. The Assistant Inspectors of Wires, Plumbing, and Gas shall be paid $25.00 per inspection.

Section 3-2 Inspector of Gas Piping and Gas Appliances in Buildings

3-2.1 Organization (amended 5/21/19)

The Inspector of Buildings, in compliance with M.G.L. 142 §11, shall appoint an Inspector of Gas Piping and Gas Appliances in Buildings for a term of three years, subject to the confirmation of the Municipal Council. The Inspector of Gas Piping and Gas Appliances in Buildings shall be qualified in accordance with the provisions of Massachusetts Code for Installation of Gas Appliances and Gas Piping, and General Law, and shall receive such salary as the Inspector of Buildings, subject to the approval of the Municipal Council shall from time to time determine.

3-2.3 Powers and Duties (amended 5/21/19)

The Inspector of Gas Piping and Gas Appliances in Buildings, under the general supervision and control of the Inspector of Buildings shall enforce the provisions of Massachusetts Code for the Installation of Gas Appliances and Gas Piping and any other applicable statutes, rules, regulations, or ordinances, and act on any question pertaining to gas fittings or installation.

Section 3-3 Inspector of Plumbing

3-3.1 Organization (amended 5/21/19)

(updated 8/20/2020)
The Inspector of Buildings, in accordance with M.G.L. 142 §11, shall appoint the Inspector of Plumbing for a term of three years, subject to the confirmation of the Municipal Council, from those persons who have qualified under the Civil Service eligible list of the City in accordance with the Civil Service Laws, Rules and Regulations. The Inspector of Plumbing shall receive such a salary as the Inspector of Buildings, subject to the approval of the Municipal Council from time to time determine.

3-3.2 Powers and Duties (amended 5/21/19)

The Inspector of Plumbing, under the supervision and control of the Inspector of Buildings, shall enforce the provisions of Massachusetts State Plumbing Code and any other applicable statutes, rules, regulations, or ordinances, and act on any question concerning plumbing.

Section 3-4 Inspector of Wires

3-4.1 Organization

The Mayor, shall appoint an Inspector of Wires, who may be the Superintendent of Fire Alarm Systems for a term of three years subject to confirmation by the Municipal Council. The Inspector of Wires shall be a Massachusetts licensed electrician and shall be qualified in accordance with the provisions of the Massachusetts State Electrical Code and General Laws. The Inspector of Wires shall receive such compensation as the Mayor and the Municipal Council shall from time to time determine.

3-4.2 Powers and Duties (amended 5/21/19)

The Inspector of Wires, under the general supervision and control of the Inspector of Buildings, shall enforce the provisions of the Massachusetts State Electrical Code and any other applicable statutes, rules, regulations, or ordinances and act on any questions concerning wires designed to carry electric light, heat or power current.

3-4.3 Assistant Inspectors of Wires

The Mayor may appoint one or more Assistant Inspectors of Wires for a term of one year. Said assistant shall be Massachusetts licensed electricians and shall be qualified in accordance with the provisions of the Massachusetts State Electrical Code and General Laws. In the absence of the Inspector of Wires or in the event of a vacancy in that office, the Mayor shall designate one Assistant Inspector of Wires to discharge the duties of the Inspector of Wires. Assistant Inspectors of Wires shall receive, on a per inspection basis, such compensation as the Mayor and Municipal Council shall from time to time determine.

Section 3-5 Building Code Commission (Deleted 4/6/93)

Section 3-6 Building Code and Other Specialized Codes

The Building Code for the City of Attleboro is the Commonwealth of Massachusetts State Building Code. A copy of said Code is to be kept on file in the office of the Building Department.

The specialized codes for gas piping and gas appliances in buildings, plumbing, and wires are to be kept on file in the office of the appropriate inspector.

Section 3-7 Permits (Amended 6/4/2013, 5/21/19)

Application for building permits, occupancy permits, gas piping, plumbing permits, electrical permits, sheet metal permits, and mechanical permits shall all be filed in the office of the Building Department. All permits shall be approved by the appropriate inspectors and posted on the work site in a conspicuous place prior to the start of activation of any work associated with such permits.

The Inspector of Plumbing, and Gas shall receive as compensation for services rendered 65% of the gross amount of the Inspection Fees generated and collected by the discharge of his/her duties. The Assistant Inspectors of Wires, Plumbing, and Gas shall be paid $25.00 per inspection.

The Inspector of Wires shall receive as compensation for services rendered 65% of the gross amount of the Inspection Fees generated and collected by the discharge of his/her duties.
3-7.1 Trenching Permits (adopted 4/21/09)

a. Application for trenching permits are required to be filed with the Inspector of Buildings in a form as he/she may determine and in accordance with M.G.L. Ch. 82A sec. 2 and the Revised Ordinances of the City of Attleboro. The permit shall expire in sixty-days (60) from the date of its issuance unless it is sooner revoked as provided herein. The permit may be renewed by the Inspector of Buildings, for an additional period of time, upon written application therefore by the permit holder with good cause as determined by the Inspector of Buildings.

b. Definition: Trenches as defined in M.G.L. Ch. 82A sec. 4 as follows: For the purpose of this ordinance, a "trench" shall be defined as an excavation, on any public way, public property or private property, which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

c. Requirement of this ordinance are in addition to M.G.L. Ch. 82A sections 1 through 5, M.G.L. Ch. 82 sections 40 through 40D and 520 DMR 14.00 et. seq. (as amended).

d. Any area disturbed during work under such a permit shall be restored to its prior condition upon completion of the work.

3-8.1 Fee Schedule (amended 6/4/2013)

**BUILDING PERMIT**

(per floor/story – include finish basement/finish cellar/finish attic area, garage and decks/porches)

- R-2, R-3, R-4 (Residential) $ .60 per sq. ft.
- All other use groups $1.00 per sq. ft.
  - A (Assembly), B (Business), E (Educational), F (Factory),
  - I (Institutional), M (Mercantile), R-1 (Residential Hotel/Motel)
  - S (Storage), H (High Hazard), U (Utility)

**ADDITION, ALTERATION, REPAIR, RENOVATION, SIGNS, TENTS, POOLS, FENCES.**

- Residential (R-2, R-3, R-4), value to $3000 $30.00
- Residential, value over $3000 $10.00 per $1000
- All other Use Groups, value to $4000 $60.00
- All other Use Groups, value over $5000 $15.00 per $1000

Plan Review (Residential or Commercial): When amended plans are required due to substantial changes a minimum charge of $150.00 is required. For increased area R-2, R-3 & R-4 is $ 0.60 per sq. ft – For other $1.00 per sq. ft (if more than $150).

**DEMOLITION/RAZING**

- Principal Structure $ 50.00
- Accessory structure $ 30.00

**MECHANICAL**

- Mechanical systems – Residential (R-2, R-3, R-4) $ 30.00 plus 1% of cost*
- Mechanical systems – All other use groups $ 50.00 plus 1% of cost*
- Non-residential annual maintenance of system $150.00 per year**

*Cost shall include all labor, materials and equipment

**$100.00 per each additional building (not for outside contracts or in house projects over $5,000.00)

**SHEET METAL** (Added 6/4/2013)

- Sheet Metal - Residential (R-2, R-3, R-4) $30.00 plus 1% of cost*
- Sheet Metal - All other use groups $50.00 plus 1% of cost*

(updated 8/20/2020)
*Cost shall include all labor, materials and equipment.

### NATURAL GAS (Issued only to Licensed People)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost ($)</th>
</tr>
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<tbody>
<tr>
<td>Residential (R-2, R-3, R-4), new service installation, one appliance</td>
<td>80.00</td>
</tr>
<tr>
<td>Residential new service installation additional appliances</td>
<td>10.00 per appliance</td>
</tr>
<tr>
<td>Residential replacement of installation, one appliance</td>
<td>40.00</td>
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<tr>
<td>Residential replacement of installation, additional appliances</td>
<td>5.00 per appliance</td>
</tr>
<tr>
<td>All other use group permits</td>
<td>50.00 plus 1% of cost</td>
</tr>
</tbody>
</table>

### LIQUID PROPANE GAS (Issued only to Licensed People)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (R-2, R-3, R-4) new tank installation one appliance</td>
<td>80.00</td>
</tr>
<tr>
<td>Residential new tank installation, additional appliances</td>
<td>10.00 per appliance</td>
</tr>
<tr>
<td>Residential replacement or installation, one appliance</td>
<td>40.00</td>
</tr>
<tr>
<td>Residential replacement or installation, additional appliances</td>
<td>5.00 per appliance</td>
</tr>
<tr>
<td>All other use group permits</td>
<td>50.00 plus 1% of cost</td>
</tr>
</tbody>
</table>

### PLUMBING (Issued only to Licensed Plumber)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (R-2, R-3, R-4), new service with 8 fixtures</td>
<td>80.00</td>
</tr>
<tr>
<td>Residential, new service, additional fixtures</td>
<td>10.00 per fixture</td>
</tr>
<tr>
<td>Residential replacement/installation, one fixture</td>
<td>40.00</td>
</tr>
<tr>
<td>Residential replacement/installation, additional fixtures</td>
<td>5.00 per fixture</td>
</tr>
<tr>
<td>Miscellaneous (drainage, floors, roof etc.)</td>
<td>40.00</td>
</tr>
<tr>
<td>All other use groups, new service replacement/installation</td>
<td>50.00 plus 1% of cost (per service)</td>
</tr>
<tr>
<td>Non-residential annual maintenance permit**</td>
<td>150.00 per year**</td>
</tr>
</tbody>
</table>
*Cost shall include a labor, material and equipment (contract price)
** $100.00 for each additional building ("Not for outside contract or in house projects over $5000)

### ELECTRICAL

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residence (R-4)</td>
<td>120.00</td>
</tr>
<tr>
<td>Multi-family residence (R-2, R-3)</td>
<td>100.00 per unit</td>
</tr>
<tr>
<td>Temporary Service</td>
<td>40.00</td>
</tr>
<tr>
<td>Service change, one meter</td>
<td>40.00</td>
</tr>
<tr>
<td>Service change, additional meters</td>
<td>15.00 per meter</td>
</tr>
<tr>
<td>Addition/renovation</td>
<td>80.00</td>
</tr>
<tr>
<td>Low voltage (phone, audio, video computer)</td>
<td>40.00</td>
</tr>
<tr>
<td>Replacement or addition one appliance</td>
<td>40.00</td>
</tr>
<tr>
<td>Replacement or addition, additional appliances</td>
<td>10.00 per appliance</td>
</tr>
<tr>
<td>Swimming pool – above or in ground</td>
<td>80.00</td>
</tr>
<tr>
<td>Alarm system</td>
<td>40.00</td>
</tr>
<tr>
<td>Service outlet (1)</td>
<td>40.00</td>
</tr>
<tr>
<td>Irrigation system</td>
<td>50.00</td>
</tr>
<tr>
<td>Well pump</td>
<td>50.00 per pump</td>
</tr>
</tbody>
</table>

### Non-Residential Permits (Issued only to Licensed Electrician)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnival, circus, fair, etc.</td>
<td>50.00</td>
</tr>
<tr>
<td>Electric sign</td>
<td>75.00</td>
</tr>
<tr>
<td>Service outlet (1)</td>
<td>40.00</td>
</tr>
<tr>
<td>Irrigation system</td>
<td>50.00</td>
</tr>
<tr>
<td>Well pump</td>
<td>40.00 per pump</td>
</tr>
<tr>
<td>Annual maintenance permit, one building**</td>
<td>150.00 per year</td>
</tr>
<tr>
<td>Annual maintenance permit for additional buildings**</td>
<td>100.00 per building per year</td>
</tr>
<tr>
<td>All other permits</td>
<td>50.00 plus 1% of cost*</td>
</tr>
</tbody>
</table>
*Cost shall include all labor and materials. ** Not for outside contracts or in-house projects over $5000.

(updated 8/20/2020)
**MISCELLANEOUS (for all permits) (Amended 4/21/09)**

- Letter of Determination/Certification: $50.00
- Re-inspection (per permit): $25.00 first re-inspection/
  $50.00 for each additional re-inspection
- Permit renewal or duplicate permit: $10.00
- Fence advertising: $30.00
- Trench Permit*: $40.00

*In case of required inspections at the request of the applicant or due to complaints of unsafe conditions of unattended trenching during off time hours, the applicant shall pay the additional overtime cost for department employee's call-out time based on the applicable union contract. The cost of a detail officer, if required, will be the responsibility of the applicant. The permit may be revoked for non-compliance with applicable M.G.L.s or the Revised Ordinance or expiration of the dig safe or other public safety issues as determined by the Inspector of Buildings.

**3-8.2 (Certificate of Inspection) Amended 4/21/09**

The fee for a Certificate shall be as follows:

<table>
<thead>
<tr>
<th>USE</th>
<th>GROUP</th>
<th>MINIMUM</th>
<th>INSPECTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly Theatres, Concert halls (accommodating over 400)</td>
<td>A-1</td>
<td>$100.00 yearly certificate</td>
<td>(semi-annual)</td>
</tr>
<tr>
<td>Night Clubs (accommodating over 400)</td>
<td>A-2nc</td>
<td>$100.00 yearly certificate</td>
<td>(semi-annual)</td>
</tr>
<tr>
<td>Restaurants (accommodating over 400)</td>
<td>A-2r</td>
<td>$100.00 yearly certificate</td>
<td>(semi-annual)</td>
</tr>
<tr>
<td>Assembly Theatres, Concert halls (accommodating 400 or less)</td>
<td>A-1</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Night Clubs (accommodating 400 or less)</td>
<td>A-2nc</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Restaurants (accommodating 400 or less)</td>
<td>A-2r</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Lectures Halls, Churches, Art Galleries, Funeral Parlors, Museums, Amusement Arcades, Recreation Centers, Libraries</td>
<td>A-3</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Arenas, Skating Rink</td>
<td>A-4</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Private/Public Schools</td>
<td>E</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Stadiums, Bleachers</td>
<td>A-5</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Hotels, Motels, Lodging/Rooming House</td>
<td>R-1</td>
<td>$50.00 + $2.00 per unit yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Residential multi-family</td>
<td>R-2</td>
<td>$75.00 + $2.00 per unit 5 year certificate</td>
<td>(5 years)</td>
</tr>
<tr>
<td>Summer Camps for Children</td>
<td>R-2</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
</tbody>
</table>

(updated 8/20/2020)
<table>
<thead>
<tr>
<th>Use Group</th>
<th>Building Type</th>
<th>Fee</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Residence</td>
<td>R-4</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Institutional - Restrained jails, prisons, etc.</td>
<td>I-1</td>
<td>$50.00 two year certificate</td>
<td>(2 years)</td>
</tr>
<tr>
<td>Institutional - Incapacitated Hospitals, Nursing Homes</td>
<td>I-2</td>
<td>$75.00 for 100 beds + $2.00 for each additional 10 beds**</td>
<td>(2 years)</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>A-4</td>
<td>$50.00 five-year certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Group Day Care</td>
<td>E</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
<tr>
<td>Detoxification facilities</td>
<td>R-1</td>
<td>$75.00 two-year certificate</td>
<td>(2 years)</td>
</tr>
<tr>
<td>Special Amusement Building</td>
<td>A-3</td>
<td>$50.00 yearly certificate</td>
<td>(annual)</td>
</tr>
</tbody>
</table>

** All other buildings or structures or parts thereof in the I-2 Use Group classification shall be charged a fee of $75.00 for a two-year maximum certification period.

### 3-8.3 Fee Payment (amended 4/21/09)

Fees for all permits listed herein can only be waived by a vote of the Municipal Council. There shall be no refunds. Amounts will be rounded to the nearest dollar and must be paid in full prior to application review.

The Gas Company, as defined in Section 1 of M.G.L. 164, or any corporation that is subject to the provisions of M.G.L. ch 165, 166 or 166A, which has already paid a fee in order to attain a permit to excavate a public way of the City shall not be responsible for paying an additional trench permit fee for the same excavation in the public way. Fees for trenching performed by a City Department, other than outside contractors, shall be waived.

### 3-8.4 Senior Citizen Exemption

The fee for any building permit for an owner-occupied single or two-family residence shall be waived for the senior citizen owner applying for a building permit, herein defined as a person 60 years of age or older.

**Original Section 3-9 Transferred to Chapter 6--12/21/93**

### Section 3-9 Work Started Prior to Obtaining Permit ( Adopted 6/23/98, Amended 8/16/18)

Where any work, except as provided by Section 3-9.1 for which a permit is required by 780CMR, The Revised Ordinances of the City of Attleboro or any other applicable code, is started or proceeded with prior to obtaining such permit, shall pay a fine up to the assessed property value as listed on the Assessor’s records at the time of demolition. Payment of the fine shall not relieve any person from fully complying with the requirements of the above mentioned codes and ordinances in execution of the work and shall not offer relief from any other prescribed penalties.

### 3-9.1 Exception for Emergency Work

Where work for which a permit is required, is started or proceeded with, has been necessitated by conditions determined by the Inspection Department to be an emergency that constitutes a serious danger or threat to the safety, health or welfare of members of the general public, the Inspection Department may waive such triple fee penalty if the permit is applied for by the appropriately licensed person within the next business day.

### Section 3-10 Mechanical Inspector

#### 3-10.1 Organization

The Mayor shall appoint a Mechanical Inspector for a term of three years, subject to confirmation by the Municipal Council. The Mechanical Inspector shall be qualified in accordance with the provisions of the Massachusetts State Building Code and (updated 8/20/2020)
Massachusetts General Laws for the administering and enforcement of the provisions of the mechanical code and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

3-10.2 Powers and Duties

The Mechanical Inspector, under the general supervision and control of the Mayor, shall enforce the provisions of the Massachusetts State Building Code and the mechanical code and any other applicable statutes, rules, regulations or ordinances, and act on any question pertaining to these codes or mechanical systems.

Section 3-11 Razing and/or Demolition Permit - Notification Delay (Adopted 10/7/03)--(Amended 10/20/11)

Upon receipt of a Razing and/or Demolition Permit application for any principal structure, the Building Inspector shall send a copy of said application, within three (3) business days, to the Attleboro Historical Commission chairperson, or chairperson's designee. The Building Inspector shall not issue the Razing and/or Demolition Permit until ninety (90) calendar days have elapsed since initial receipt of the application, unless the Historical Commission chairperson or chairperson's designee notifies the Building Inspector that the building has no historical significance.

If the condition of the building has deteriorated or been damaged so that it poses an imminent threat to the health or safety of the public, the Building Inspector may, in accordance with 780 CMR issue a Demolition Permit without following this procedure. The Building Inspector shall notify the Historical Commission of such hazardous structure order.

Section 3-12 Registration and Maintenance of Vacant Residential Buildings (adopted 9/7/10, amended 12/17/19)

3-12.1 Intent: The purpose of this ordinance is to help protect the health, safety and welfare of the residents of Attleboro by preventing blight, protecting property values and neighborhood integrity, protecting City’s resources and ensuring the safe and sanitary maintenance of vacant residential buildings. Vacant buildings are at an increased risk for fire, water and natural damage as well as vandalism, unlawful entry and other public health and safety hazards. This ordinance will help to promote the City’s public welfare by requiring all residential property owners to register and properly maintain vacant buildings.

3-12.2 Definitions:

a. **Building**: A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.

b. **Commissioner**: Inspector of Buildings of the City of Attleboro or his designee.

c. **Owner**: a person or entity who, alone or severally with others:
   i. has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
   ii. is a tenant a legal right to possess an entire building; or
   iii. is a mortgagee in possession of any building; or
   iv. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
   v. is an officer or trustee of an association of unit owners of a condominium or cooperative, which contains a vacant building.

d. **Vacant Residential Building**: Any residential building which is not legally occupied, abandoned or not used for a period of at least forty-five (45) consecutive days, or shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Building Commissioner.

e. **Board of Survey**: A board consisting of the Superintendent of Public Works, the head of the Fire Department, as such term is defined in M.G.L. c. 148 sec. 1, and one disinterested person to be appointed by the Building Commissioner.

f. **Legally Occupied**: Occupied in accordance with the provisions of the Massachusetts State Building Code.

(updated 8/20/2020)
3-12.3 Registration: Prior to or not more than seven (7) days after the building becomes vacant, the owners must register the building with the Commissioner on forms provided by the Protective Inspection Department. All registrations must state the individual’s name, phone number and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long. None of the required addresses shall be a Post Office Box. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Commissioner. The Commissioner will notify Police, Fire, Water, Wastewater and Health Departments of the submitted registration of vacant/building as well as the reoccupancy of the building.

3-12.4 Maintenance requirements:

a. The owner of a vacant residential building must maintain it in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property.

b. The owner of a vacant residential building must promptly repair all broken windows, doors, other openings and any unsafe conditions at the vacant building including broken down spouts. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to circumstances beyond the owner’s control, a longer period of time is required. Coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

c. The owner shall maintain the building for the duration of the vacancy or abandonment. Upon notice by the Commissioner, any accumulated trash and/or graffiti shall be taken off or removed from the property within (7) days. The Building Commissioner and/or his designee shall document violations. The owner of any residential building vacant for a period exceeding six (6) months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents.

d. If deemed necessary by the Commissioner and The Board of Survey, the owner must erect and maintain, at his/her own cost and expense, a six (6) - foot privacy fence within thirty (30) feet of the entire building. The Commissioner shall notify the owner in writing of the basis for requiring any such fencing.

e. Compliance with this ordinance shall not relieve the owner of any applicable obligations set forth in any other ordinance, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

3-12.5 Inspections: The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this ordinance for compliance. The Commissioner may disconnect utilities upon a determination that a vacant commercial property presents an imminent hazard to any person or property.

3-12.6 Penalties and Enforcement: Violations of any portions of this ordinance shall be punishable by a total fine of $100.00 a day. The Building Commissioner may waive all or a portion of the fine upon abatement of the violation(s). The Commissioner or his designee shall enforce all provisions of this ordinance. Any owner found to be in violation of this ordinance shall receive a written warning and no fewer than seven (7) days to remedy all violations, prior to the institution of any enforcement action. (Ordinance continued)

3-12.7 Unsafe Buildings: If the Commissioner determines the vacant property is unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this Ordinance shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority, including, without limitation, M.G.L. c. 139, §§1 et seq. and M.G.L. c. 143, §§6 et seq.

3-12.8 Severability: If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

Section 3-13 Registration and Maintenance of Vacant Commercial Properties (adopted 12/17/19)

3-13.1 Intent: The purpose of this ordinance is to help protect the health, safety and welfare of the residents of Attleboro by preventing blight, protecting property values and neighborhood integrity, protecting City’s resources and ensuring the safe and sanitary maintenance of vacant commercial properties. Vacant properties are at an increased risk for fire, water and natural
damage as well as vandalism, unlawful entry and other public health and safety hazards. This ordinance will help to promote the City’s public welfare by requiring all commercial property owners to register and properly maintain vacant properties.

3-13.2 Definitions:

a. **Building**: A combination of any materials fixed to the ground and having a roof, enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property.

b. **Commissioner**: Inspector of Buildings of the City of Attleboro or his designee.

c. **Owner**: a person or entity who, alone or severally with others:
   i. has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
   ii. is a tenant a legal right to possess an entire building; or
   iii. is a mortgagee in possession of any building; or
   iv. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
   v. is an officer or trustee of an association of unit owners of a condominium or cooperative, which contains a vacant building.

d. **Vacant Building**: Any building which is not legally occupied, abandoned or not used for a period of at least forty-five (45) consecutive days, or shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or appears to pose a risk to public safety, as determined by the Building Commissioner.

e. **Vacant Commercial Property**: Any building or unit within a building which accommodates retail, office, or industrial uses which is not legally occupied, abandoned or not used for a period of at least forty-five (45) consecutive days, or shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or appears to pose a risk to public safety, as determined by the Building Commissioner.

f. **Board of Survey**: A board consisting of the Superintendent of Public Works, the head of the Fire Department, as such term is defined in M.G.L. c. 148, § 1, and one disinterested person to be appointed by the Building Commissioner.

g. **Legally Occupied**: Occupied in accordance with the provisions of the Massachusetts State Building Code and local ordinances.

3-13.3 Registration: Prior to or not more than seven (7) days after the commercial property becomes vacant, the owner must register the property with the Economic Development Director by completing a Commercial Vacancy Registration Form available on the City website or in the Office of Economic Development at City Hall. All registrations must state the owners name, phone number, mailing address (other than a Post Office Box) and an emergency contact. The registration shall state whether the property is vacant at the time of filing, and if so for how long. Once the commercial property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Economic Development Director. The Economic Development Director shall notify the Buildings Commissioner, Police Chief, Fire Chief, Water, Wastewater and Health Departments of all Commercial Vacancy Registration Forms received and all re-occupancy notifications.

3-13.4 Maintenance requirements:

a. The owner of a vacant commercial property must maintain it in accordance with all applicable state and local Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property.

b. The owner of a vacant commercial property must promptly repair all broken windows, doors, other openings and any unsafe conditions at the vacant property including broken down spouts. Boarding up of open or broken windows and doors is a temporary measure and shall not occur for longer than forty-five (45) consecutive days, without the express
written consent of the Commissioner based on his determination that, due to circumstances beyond the owner’s control, a longer period of time is required. Coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

c. The owner shall maintain the commercial property for the duration of the vacancy or abandonment. Upon notice by the Commissioner, any accumulated trash and/or graffiti shall be taken off or removed from the property within (7) days. The Building Commissioner and/or his designee shall document violations. The owner of any commercial property vacant for a period exceeding six (6) months whose utilities have been shut off shall have those utilities removed or cut and capped to prevent accidents.

d. If deemed necessary by the Commissioner and The Board of Survey, the owner shall erect and maintain, at his/her own cost and expense, a six (6) - foot privacy fence within thirty (30) feet of the entire building. The Commissioner shall notify the owner in writing of the basis for requiring any such fencing.

e. Compliance with this ordinance shall not relieve the owner of any applicable obligations set forth in any other ordinance, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

3-13.5 Inspections: The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any property subject to this ordinance for compliance. The Commissioner may disconnect utilities upon a determination that a vacant commercial property presents an imminent hazard to any person or property.

3-13.6 Penalties and Enforcement: Violations of this ordinance shall be punishable by a total fine of $100.00 a day. The Building Commissioner may waive all or a portion of the fine upon abatement of the violation(s). The Commissioner or his designee shall enforce all provisions of this ordinance. Any owner found to be in violation of this ordinance shall receive a written warning and no fewer than seven (7) days to remedy all violations, prior to the institution of any enforcement action.

3-13.7 Unsafe Buildings: If the Commissioner determines the vacant property is unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this Ordinance shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority, including, without limitation, M.G.L. c. 139, §§1 et seq. and M.G.L. c. 143, §§6 et seq.

3-13.8 Severability: If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

3-14 Stretch Energy Code (adopted 7/18/19) (renumbered section 4/3/20)

3-14.1 Definitions

International Energy Conservation Code (IECC): The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code for the establishment of minimum design and construction requirements for energy efficiency, and is updated from time to time.

Stretch Energy Code: Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 9th Edition Massachusetts State Building Code, as amended. The Stretch Energy Code is an appendix to the Massachusetts State Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

3-14.2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant section of the building code for new buildings.

3-14.3 Stretch Code Adopted

This Stretch Code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable. The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA including any future editions, amendments or modifications, is herein incorporated by reference into the
CHAPTER 4
EMERGENCY MANAGEMENT (Amended 8/18/92)

Section 4-1 Director of Emergency Management

4-1.1 Organization

There is hereby established within the Municipal Government the office of Director of Emergency Management. The Mayor shall appoint the Director of Emergency Management for a term of three years subject to confirmation by the Municipal Council. The Director of Emergency Management shall be a person especially fitted by education, training and experience to perform the duties of the office. The Director of Emergency Management shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

4-1.2 Powers and Duties

The Director of Emergency Management, under the general supervision and control of the Mayor, shall administer the local organization for Emergency Management, plan for emergencies and perform and coordinate Emergency Management functions in time of emergency.

The Director of Emergency Management shall have all the powers and duties provided by the Civil Defense Act, Acts of 1950, Chapter 639 as amended.

Whenever the Federal Government or any agency or officer thereof, or any person, firm or corporation, shall offer to the City of Attleboro services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of Emergency Management, the Municipal Council may authorize the Director of Emergency Management to receive such services, equipment, supplies, materials or funds on behalf of the City of Attleboro, and subject to the terms of the offer and the Rules and Regulations, if any, of the agency making the offer.

4-1.3 Staff

The Director of Emergency Management, subject to appropriation, may employ such clerical, technical and other assistance as the Director of Emergency Management deems necessary to carry out the functions of the office.

Section 4-2 Emergency Management Advisory Council

4-2.1 Organization

There is hereby established within the Municipal Government an unpaid Emergency Management Advisory Council consisting of such Department Heads as the Mayor deems necessary. The Director of Emergency Management shall be Chairman of the Emergency Management Advisory Council.

4-2.2 Powers and Duties

The Emergency Management Advisory Council shall act in an advisory capacity to the Mayor and the Director of Emergency Management in matters pertaining to Emergency Management.
CHAPTER 5
FINANCE

Section 5-1.1 Organization (amended 2/6/07)

There is hereby established within the Municipal Government an Assessors’ Department consisting of a Chief Assessor and a three member Board of Assessors. The Board of Assessors, each of whom shall be appointed by the Mayor, subject to confirmation by the Municipal Council, shall be especially fitted by education, training and experience to perform the duties of their office.

The Board of Assessors shall, with the approval of the Mayor and confirmation of the Municipal Council, appoint a Chief Assessor for a term of three years.

The Chief Assessor shall receive such salary, as the Municipal Council shall from time to time determine by ordinance and in accordance with the City’s Classification Plan and Compensation Plan.

Each member of the Board of Assessors shall serve for a term of three years, with the term of one member to expire each year, and shall receive such salary as the Mayor and the Municipal Council shall from time to time determine. Members of the Board of Assessors shall annually elect their chairman and clerk.

Section 5-1.2 Powers and Duties (Amended 4/3/08)

The Board of Assessors shall assess taxes and estimate the value of property for the purpose of taxation. The Board of Assessors shall have all the powers and duties now or from time to time vested by General Law or Special Act in Board of Assessors.

The Chief Assessor under the administrative direction of the Board of Assessors, shall be the administrative head of the Assessors’ Department and shall assist the Board of Assessors in estimating the value of real and personal estate and in the performances of such other duties as the Assessors require.

Section 5-1.3 Staff

The Chief Assessor, subject to appropriation, may employ such clerical, technical, and other assistance as is deemed necessary to fulfill the functions of the Assessor’s Department.

This ordinance shall be effective on March 1, 2007.

Section 5-2 Accounting Department (Amended 6/19/01)

5-2.1 Organization

There is hereby established within the Municipal Government an Accounting Department headed by the City Auditor. The City Auditor shall be elected by the Municipal Council for a term of two years in accordance with the Attleboro Home Rule Charter and shall be especially fitted by education, training and experience to perform the duties of the office. The City Auditor shall receive such salary as the Municipal Council shall from time to time determine by ordinance and in accordance with the City’s Classification Plan and Compensation Plan.

5-2.2 Powers and Duties

The City Auditor, under the general administrative direction of the Mayor, shall cause to be kept and have charge of the accounts of the City. The City Auditor shall have access to and regularly audit the accounts of all City agencies and make regularly available to the Mayor and Municipal Council information regarding the condition of each account, including the amount of appropriation, expenditures and unexpended balances under the same. Whenever an appropriation for any account is fully expended, the City Auditor shall immediately give notice thereof to the Mayor, the head of the department, the Municipal Council President and Finance Committee Chairman, and shall not pass or allow any claim or account chargeable against such appropriation until the Mayor and Municipal Council shall provide the means of paying the same. The Assistant City Auditor (updated 8/20/2020)
shall receive such compensation as the Mayor and Municipal Council shall from time to time determine in accordance with the City’s Classification Plan and Compensation Plan.

The City Auditor shall have all the powers and duties now or from time to time vested in City Auditors by the Attleboro Home Rule Charter, General Law or Special Act.

5-2.3 Assistant City Auditor

The City Auditor may appoint an Assistant City Auditor, subject to confirmation by the Municipal Council, for a term to be concurrent with that of the City Auditor. In the absence of the City Auditor or in the event of a vacancy in that office, the Assistant City Auditor shall discharge the duties of the City Auditor.

5-2.4 Staff

The City Auditor, subject to appropriation, may employ such clerical, technical and other assistance as the City Auditor deems necessary to carry out the functions of the Accounting Department.

Section 5-3 Collector's Department

5-3.1 Organization

There is hereby established within the Municipal Government a Collector's Department headed by the City Collector who shall be elected for a term of two years by and from the voters in accordance with the provisions of the Attleboro Home Rule Charter. The City Collector shall receive such salary as the Municipal Council shall determine by ordinance.

5-3.2 Powers and Duties

The City Collector shall collect all public monies and all accounts of the City upon warrants issued to the City Collector.

The City Collector shall have all the powers and duties now or from the time to time vested in City Collectors by the Attleboro Home Rule Charter, General Law or Special Act.

5-3.3 Staff

The City Collector, subject to appropriation, may employ such clerical, technical and other assistance as the City Collector deems necessary to carry out the functions of the Collector's Department.

5-3.4 Assistant City Collector (amended 12/2/14)

The City Collector shall appoint an Assistant City Collector, with the approval of the Mayor. The term of the Assistant City Collector shall expire one year after the first Tuesday following the first Monday in January in odd numbered years. In the absence of the City Collector or in the event of a vacancy in the office of City Collector, the Assistant City Collector shall discharge the duties of the City Collector. In the event of a vacancy in the office of Assistant City Collector, the City Collector shall appoint an Assistant City Collector, with the approval of the Mayor, to complete the unexpired term of office.

Section 5-4 Treasurer's Department

5-4.1 Organization

There is hereby established within the Municipal Government a Treasurer's Department headed by the City Treasurer who shall be elected for a term of two years by and from the voters in accordance with the provisions of the Attleboro Home Rule Charter. The City Treasurer shall receive such salary as the Municipal Council shall determine by ordinance.

5-4.2 Powers and Duties

The City Treasurer shall receive and take charge of all monies belonging to the City, and pay over and account for the same according to the order of the City of its authorized officers.

(updated 8/20/2020)
The City Treasurer shall have all the powers and duties now or from time to time vested in City Treasurers by the Attleboro Home Rule Charter General Law or Special Act.

5-4.3 Assistant City Treasurer (amended 12/2/14)

The City Treasurer shall appoint an Assistant City Treasurer, with the approval of the Mayor. The term of the Assistant City Treasurer shall expire one year after the first Tuesday following the first Monday in January in odd numbered years. In the absence of the City Treasurer or in the event of a vacancy in the office of City Treasurer, the Assistant City Treasurer shall discharge the duties of the City Treasurer. In the event of a vacancy in the office of Assistant City Treasurer, the City Treasurer shall appoint an Assistant City Treasurer, with the approval of the Mayor, to complete the unexpired term of office.

5-4.4 Staff

The City Treasurer, subject to appropriation, may employ such clerical, technical and other assistance as the City Treasurer deems necessary to carry out the functions of the Treasurer's Department.

5-4.5 Payment of Funds

The City Treasurer shall make no payment of City funds except upon a warrant signed by the Mayor and countersigned by the Auditor.

Section 5-5 Commissioners of Trust Funds

5-5.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Commissioners of Trust Funds consisting of three members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years with the term of one member to expire each year.

5-5.2 Powers and Duties (Amended 6/4/02)

The Board of Commissioners of Trust Funds shall be responsible for management of all trust funds donated to or bequeathed for the benefit of the City of Attleboro or the inhabitants thereof, unless the donor in making the gift or bequest shall specifically provide that such management shall be the responsibility of an independent trustee. As used in this ordinance, the term "independent trustee" shall include the initial Trustee named in the instrument created by the donor of such gift or bequest, and any Trustee from time to time qualified and acting therein, whether designated pursuant to said instrument or by a court of competent jurisdiction. As used in this ordinance, the term "independent trustee" shall not include any Housing Authority, Department or Department Head, Board, Committee, Commission or other political subdivision or instrumentality of the City of Attleboro, except for the Board of Commissioners of Trust Funds and the Board of Library Trustees.

Section 5-6 Bonds of City Officials

The City Clerk, the City Treasurer and the City Collector shall give bond to the City for the faithful performance of their duties, in a form approved by the Commissioners of Corporations and Taxation of the Commonwealth and in an amount established by said Commissioner. The Surety Company on these bonds shall be approved by the Mayor and shall have custody of the bonds. The cost of the bonds shall be paid by the City and charged to the respective department of the principal bonded.

Section 5-7 System of Auditing and Accounting (Amended 7/23/15)

5-7.1 A system of auditing and accounting in the several departments of the City of Attleboro is hereby established.

5-7.2 The City Auditor shall be the General Accountant for the City. The City Auditor shall cause to be kept a complete set of books and accounts which shall comprise all of the financial transactions of the City through the various departments under their respective appropriations. These books shall be kept, so far as practicable, in accordance with the distribution of accounts provided by the Municipal schedules of the Massachusetts Division of Accounts.

(updated 8/20/2020)
5-7.3 The City Auditor shall keep an account of the actual receipts of each financial year, the same to be furnished monthly by the City Treasurer, and the estimated receipts as furnished by the heads of the various departments to the Accounting Department.

5-7.4 The City Auditor shall on June 30th of each year transfer to excess and deficiency account revenue appropriation balances of all appropriations made for the general maintenance and operation of the department and special accounts where the work is complete, after setting up a reserve to meet any outstanding claims then existing. Balances of appropriations financed in whole or in part by a loan shall be carried forward and be closed as provided by General Law. (Amended 7/21/92)

5-7.5 The procurement of supplies and services by the City shall be accomplished, to the extent it is applicable, in accordance with the Uniform Procurement Act contained in Chapter 30B of the General laws and, to the extent it is not applicable, in accordance with other applicable statutes and ordinances. All contracts made for supplies and services which are in the amount of $500.00 or more shall be in writing and signed by the Mayor, except as otherwise provided herein, and the City Auditor. Contracts made by the School Committee which are in an amount of less than $10,000.00 need not be signed by the Mayor or the City Auditor. The signature of the City Auditor at the amount defined in this section shall indicate that sufficient funds are available in an appropriate account to pay the contract amount.

5-7.6 The City shall not be liable on any contract unless at the time it is made there is an unexpended balance of the appropriation to which it is properly chargeable and, in determining said balance, all prior contracts and purchase orders and amendments thereto filed with the Accounting Department shall be deducted. The dealer or contractor may present the copy of the contract or purchase order to the Accounting Office for certification of “unexpended or unpledged balance on hand.”

5-7.7 If any contract is cancelled or modified, the department, board, officer, Mayor, or Purchasing Assistant shall at once notify the Accounting Department in writing, and no terms of any contract shall be waived or altered so as to involve the expenditure of a greater sum of money except by written memorandum issued in the same way and under the same conditions as the original contract.

5-7.8 The accounts of every department shall be kept so as to show in their books all prior contracts and expenditures made by them and the City Auditor is hereby authorized to install in any department a system of accounting to conform with the accounting in the Accounting Department.

5-7.9 The Accounting Department shall receive all accounts, claims, bills, and payrolls which have been approved and certified by the several boards and officers and, if they are correctly cast and duly approved by them, the City Auditor shall approve the same except as provided by Section 52, Chapter 41, General Laws, provided the Auditor shall find by careful examination, that sufficient funds duly appropriated exist for their payment, and that it shall appear to the Auditor that all proceedings in connection therewith have been correctly and lawfully made.

But no such account, claim, bill, or payroll shall be approved by the City Auditor unless at the time the indebtedness was contracted there was an unexpended balance of the appropriations to which it is chargeable, and in determining said balance all prior contracts and purchase orders filed or certified under this section shall have been deducted; nor shall it be approved unless the claim corresponds to the contract or purchase order filed or certified under this section.

The City Auditor shall thereafter cause to be prepared a warrant for the payment of said accounts, claims, bills and payrolls to be presented therewith to the Mayor. The City Auditor is hereby authorized to draw warrants on the Treasury for the payment of all such accounts, claims, bills, and other matters approved by the Mayor and ordered by the City Auditor to be paid and no other, designating in said warrant the funds or appropriations from which such orders are to be paid. Accounts shall be kept in such form and in such detail as may be necessary to show clearly all expenditures and receipts.

5-7.10 The Mayor shall carefully examine the accounts, claims and bills approved by the City Auditor and, if there appears to be no sufficient or legal objection to their payment, shall sign the warrant for the payment of same. The Mayor may by warrant, approved by the City Auditor, order any money due on the principal or interest of any bond, note or other security of the City, or any sum payable under the laws regulating military and state aid, soldiers’ relief, burial of indigent soldiers, or any claim which the Municipal Council has ordered to be paid, or any sums due as wages to such of the employees of the city as are entitled by law to be paid weekly, or any salary fixed by the Municipal Council to be paid. The Mayor may also by like warrant approved by the City Auditor the payment of final judgments of courts, sums payable to the Commonwealth or county by law.

5-7.11 All City officers or boards which receive any money in behalf of the City shall pay the same to the City Treasurer, at the close of each week unless otherwise provided by the City Treasurer, and at the same time shall transmit to the Accounting (updated 8/20/2020)
Office a true statement of the amount so paid to the City Treasurer and for what it was received. All boards and officers having under their charge any property, real or personal, belonging to the City, shall at the close of each financial year, or as asked for by the City Auditor, make and transmit to the Mayor and City Auditor an inventory thereof and an estimate of its value.

5-7.12 Upon receipt of any bill, invoice, account, or claim against the City (each hereinafter referred to as an “Invoice”), other than a final judgment, the department, board, or officer authorized to create the liability, or if not within the authority of any department, board or officer then the Mayor (hereinafter collectively referred to as “Department”) shall examine such Invoice to determine if it is properly due and payable. If the Department determines, that the Invoice is properly due and payable, then within two weeks of receiving the Invoice, the Department shall certify the Invoice and immediately transmit the certified Invoice to the Accounting Department. Except that each Department shall so examine and certify Invoices dated June of any calendar year so as to allow the processing of payment no later than the following July 15th and such payments shall be deemed to be as the June 30th preceding. Each Department shall similarly examine and certify the payrolls of their respective employees and transmit them to the Accounting Department on a regular basis so as to allow the payment of City employees in accordance with the pertinent collective bargaining agreement, the City Personnel Regulations or the employment contract of such employees. Provided, however, that payrolls shall be made up to the 30th day of June for that period between the last full payroll and the end of the fiscal year, which shall be paid on or before July 15th following, and shall be deemed to be as of June 30th preceding. With each such certified Invoice or payroll, the Department shall submit to the Accounting Department a schedule giving the dates of the Invoices or payroll, the payee, the appropriation chargeable therewith and the amounts thereof.

5-7.13 All boards and officers having the expenditure of money shall not after June 15th of each year contract any bill except for actual necessity, and shall notify all parties who have bills against their departments to present the same for approval and payment before the close of the financial year.

Section 5-8 Lease/Lease-Purchase Agreement

No city department or other entity shall enter into a lease or lease-purchase agreement binding the city beyond the fiscal year in which it is agreed to without approval of the Mayor and Municipal Council. When requesting said approval, information must be provided as to how the contract will be funded during the duration of its term. (Amended 7/21/92)

Section 5-9 Information Systems (IS) Office (adopted 10/7/97)

5-9.1 Organization

There is hereby established within the Municipal Government an Information Systems office which shall be under the general supervision and control of the Director of Budget and Administration.

5-9.2 Powers and Duties

The employees of the Information Systems office, as directed by the Director of Budget and Administration, shall perform all functions required to plan, manage, maintain and provide user support for the city-wide interdepartmental computer system, including procurement and development of management information tools, software and hardware implementation, and system administration for the financial management software.

5-9.3 Staff

The Mayor, upon recommendation of the Director of Budget and Administration and subject to appropriation, may employ for the Information Systems office such professional, clerical, and other assistance as deemed necessary to carry out the functions of the office.

5-10 Director of Budget and Administration (Amended 6/19/01)

5-10.1 Organization

There is hereby established within the Municipal Government the office of Director of Budget and Administration. The Mayor shall appoint the Director of Budget and Administration for a term of three years, subject to confirmation by the Municipal Council. The Director of Budget and Administration shall possess at least a Bachelor’s Degree in Public or Business Administration, or a similarly related field, and shall be particularly fitted by education, training, and experience to perform the duties of the office. The Director of Budget and Administration shall receive such salary as the Mayor and the Municipal Council shall from time to time determine.
5-10.2 Powers and Duties (Amended 12/17/02)

The Director of Budget and Administration, under the general supervision and control of the Mayor, shall:

a.  Provide general supervision and control of the Information Systems Office;
b.  Provide general supervision and control of the Purchasing Assistant.
c.  Provide general supervision and control of the Parking Clerk;
d.  Prepare the City’s annual budget;
e.  Provide assistance to the Mayor, as requested, in analysis and monitoring of revenues and expenses;
f.  Provide assistance to the Mayor, as requested, in analysis, creation and management of revolving and other special accounts; and
g.  Assist in the coordination of the financial operation of the City.

5-10.3 Staff

The Director, with the approval of the Mayor, and subject to appropriation, may employ for the office such professional, clerical, and other assistance as deemed necessary to carry out the functions of the office.

5-11 Remaining Loan Order Funds (Adopted 11/4/03)

After completion of a capital project that has been financed through the sale of bonds or notes, any remaining balance of funds available for the completed project may be appropriated by a two-thirds vote of the council for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary borrowing, was issued.

Prior to any appropriation of such remaining funds, the president of the council shall refer a request for the appropriation to an appropriate subcommittee. The subcommittee may call for a public hearing. If the requested funds are simultaneously being combined from multiple projects, a single public hearing may be held for the appropriation of such combined funds. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation in the city at least seven (7) days prior to the hearing date.

If the remaining funds after completion of a capital project that has been financed through the sale of bonds or notes do not exceed one thousand dollars ($1,000.00), the funds may be used to pay the principal of the loan by a two-thirds vote of the full council.
CHAPTER 6
FIRE DEPARTMENT

Section 6-1 Fire Department

6-1.1 Organization

There is hereby established within the Municipal Government a Fire Department, headed by a Fire Chief. The Mayor shall appoint the Fire Chief from those persons who have qualified under the Civil Service eligible list of the City in accordance with Civil Service Laws, Rules and Regulations. The Fire Chief shall receive such salary as the Municipal Council shall determine by ordinance.

6-1.2 Powers and Duties

The Fire Chief, under the general supervision and control of the Mayor shall administer the Fire Department and shall have charge of extinguishing fires and of the protection of life and property in case of fire. The Fire Chief shall have all the powers and duties now or from time to time vested by General Law of Special Act on Fire Chiefs.

6-1.3 Staff (Amended 9/4/07, 4/24/08, 5/20/14)

The Mayor, upon the recommendation of the Fire Chief and subject to appropriation, may employ no more than one (1) Assistant Fire Chief (Deputy Chief Non-Union), six (6) District Chiefs, twelve (12) Captains, sixteen (16) Lieutenants, one (1) Superintendent of Fire Alarm Systems, one (1) Assistant Superintendent of Fire Alarm Systems, eighty (80) firefighters, and such reserve firefighters, clerks, dispatchers, mechanics and building custodians as the Mayor, subject to the approval of the Municipal Council may from time to time determine. Until the City employs the number of licensed paramedics required by the Massachusetts Office of Emergency Medical Services for the licensed, advanced life support, rescue vehicles operated by the City, any candidate considered for the position of firefighter shall be a licensed paramedic at the time of hire. After the City achieves compliance with such staffing requirements of the Office of Emergency Medical Services for its licensed, advanced life support, rescue vehicles, being a licensed paramedic shall not necessarily be a condition of employment for new firefighters.

This ordinance shall become effective July 21, 2014.

6-1.4 Jury Duty

All members of the Fire Department shall be exempt from serving as jurors.

6-1.5 Aid to Other Cities

The Fire Chief, and in his absence the officer in charge, may authorize the members of the department to go to the aid of another city, town or fire district in extinguishing fires therein, if in his opinion the fire protection of the City of Attleboro is not jeopardized, and while in the performance of their duties in extending such aid, the members of the department shall have the same immunities and privileges as if performing the same within this City as provided for by the General Laws, Chapter 48.

Section 6-2 Board of Fire Commissioners

6-2.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Fire Commissioners consisting of three members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years, with the term of one member to expire each year. Members of the Board shall elect their Chairman annually.

Section 6-2.2 Powers and Duties

(updated 8/20/2020)
The Board of Fire Commissioners shall act in an advisory capacity to the Mayor and the Fire Chief in matters of contract, budget, personnel, discipline, Rules and Regulations, and such other matters as the Mayor and Fire Chief may request.

6-2.3 Proceedings of the Board of Fire Commissioners

The Board of Fire Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, the Fire Chief, or directed by vote of the Board. The Board shall keep a record of its proceedings, may establish its own Rules of Procedure, and subject to appropriation, may make such expenditures as may be necessary to the performances of its functions.

Section 6-3 Automatic Sprinkler Systems

In the City of Attleboro, every building or addition or more than seven thousand five hundred gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the State Building Code. No such sprinkler system shall be required unless sufficient water and water pressure exists. For purposes of this section, the gross square feet of a building or addition shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls, irrespective of the existence of interior fire resistive walls, floors and ceilings.

In such buildings or additions, or in certain areas of such buildings or additions, where the discharge of water would be an actual danger in the event of fire, the head of the Fire Department shall permit the installation of such other fire suppressant systems as are prescribed by the State Building Code in lieu of automatic sprinklers. Automatic suppressant or sprinkler systems shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system. Sprinkler systems shall not be required in a one story building having a fire resistance rating as prescribed in the State Building Code that is used solely for offices provided the building is protected by an automatic fire alarm system. This section shall not apply to buildings or additions used for residential purposes. The head of the Fire Department shall enforce the provisions of this section.

6-4 Ambulance Rescue

6-4.1 Organization

The Fire Department shall be responsible for providing an ambulance rescue service under the general supervision of the Fire Chief. The number and types of rescue equipment, direct response and types of rescue equipment, direct response personnel, administrative and clerical staff shall be subject to the Mayor's recommendation and approval of appropriation by the Municipal Council. The ambulance rescue service shall respond to all emergencies within the limits of the city boundaries. The ambulance rescue service may also assist other communities in accordance with mutual aid agreement or policy directives assigned by the Fire Chief and approved by the Mayor.

6-4.2 Powers and Duties

The Fire Department, under the general supervision of the Fire Chief shall be responsible for the processing and collection of ambulance rescue charges as determined by insurance carrier guidelines or approved policy procedures.

6-4.3 Ambulance Service Charge (Amended 05/20/14)

Effective July 1, 2014, the following bundled ambulance service charges shall apply:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLS Emergency Rate</td>
<td>$1,346.33</td>
</tr>
<tr>
<td>ALS1 Emergency Rate</td>
<td>$2,428.46</td>
</tr>
<tr>
<td>ALS2 Emergency Rate</td>
<td>$3,820.17</td>
</tr>
<tr>
<td>Specialty Care Transport (SCT)</td>
<td>$4,158.88</td>
</tr>
<tr>
<td>BLS Non-emergency Base Rate</td>
<td>$650.00</td>
</tr>
<tr>
<td>ALS1 Non-emergency Base Rate</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Mileage (loaded mile)</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

(updated 8/20/2020)
In cases where extreme financial hardships exist, the Fire Chief shall have the authority to waive outstanding bills for ambulance service charges. The Municipal Council shall annually review and establish the ambulance service fees by April 30th of each year.

This ordinance shall become effective July 1, 2014

6-5 Fire Prevention Fee Schedule for Non-permit Type Services (Amended 5/20/14)

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Permit Fee</th>
<th>Inspection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smoke and Carbon Monoxide Detectors (sale or transfer)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificate of Compliance (1 Family)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Certificate of Compliance (2 Family)</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Certificate of Compliance (3-5 Family)</td>
<td>$150.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Certificate of Compliance (6 units &amp; more) (max. fee $500.00)</td>
<td>$50.00 per unit</td>
<td>$0.00</td>
</tr>
<tr>
<td>Re-inspection (1 &amp; 2 Family)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Re-inspection (3-5 Family)</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Re-inspection (6 units &amp; more)</td>
<td>$250.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Plan Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Building Plan Review (1 &amp; 2 Family)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Residential Building Plan Review (Multi-Family)</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Commercial Building Plan Review</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fire Alarm Systems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Install/Modify Residential Fire Alarm System (1 &amp; 2 Family)</td>
<td>$50 per Unit</td>
<td>$50 per Unit</td>
</tr>
<tr>
<td>Install/Modify Residential Fire Alarm System (Multi-Family)</td>
<td>$50 per Unit</td>
<td>$50 per Unit</td>
</tr>
<tr>
<td>Install Commercial Fire Alarm System</td>
<td>$50.00</td>
<td>$0.05/sq ft (min. $100.00)</td>
</tr>
<tr>
<td>Modify Existing Commercial Fire Alarm System</td>
<td>$50.00</td>
<td>$50.00 plus $3.00/Device</td>
</tr>
<tr>
<td>Master Box Annual Monitoring &amp; Maintenance</td>
<td>$250.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Malfunctioning Fire Alarm Systems (3rd response in 30 days)</td>
<td>$100.00</td>
<td></td>
</tr>
<tr>
<td>Fire Sprinkler Systems &amp; Other Fixed Fire Protection Systems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Install/Modify Residential Sprinkler System (1 &amp; 2 Family) 13D</td>
<td>$50.00</td>
<td>$50 per Unit</td>
</tr>
<tr>
<td>Install/Modify Residential Sprinkler System (Multi-Family) 13R</td>
<td>$50.00</td>
<td>$50 per Unit</td>
</tr>
<tr>
<td>Install/Major Modifications Commercial Sprinkler System</td>
<td>$50.00</td>
<td>$0.05/sq ft (min. $100.00)</td>
</tr>
<tr>
<td>Modify Commercial Sprinkler System</td>
<td>$50.00</td>
<td>$50.00 plus $3.00/Device</td>
</tr>
<tr>
<td>Install/Major Modifications to Fixed Fire Protection System</td>
<td>$50.00</td>
<td>$0.05/sq ft (min. $100.00)</td>
</tr>
<tr>
<td>Modify Fixed Fire Protection System</td>
<td>$50.00</td>
<td>$50.00 plus $3.00/Device</td>
</tr>
<tr>
<td>Install Commercial Hood Suppression System</td>
<td>$50.00</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Propane</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Install Propane &lt;500 gallons</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Install Propane &gt;500 gallons</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Annual Permit to Store &amp; Maintain Propane (Residential) Exp August 30th</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Annual Permit to Store &amp; Maintain Propane (Commercial) Exp August 30th</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage Tanks &amp; Containers</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Install Underground Storage Tank (UST)</td>
<td>$50.00 per Tank</td>
<td>$100.00 per Tank</td>
</tr>
<tr>
<td>Remove Underground Storage Tank (UST)</td>
<td>$50.00 per Tank</td>
<td>$100.00 per Tank</td>
</tr>
<tr>
<td>Install Aboveground Tank(s) up to 550 gals (aggregate amount up to 2 Tanks like hazards)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Install Aboveground Tank(s) 551 gals - 1,320 gals</td>
<td>$50 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Install Aboveground Tank(s) 1321 gals - 9,999 gals</td>
<td>$100.00 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Install Aboveground Tank(s) 10,000 gals and more</td>
<td>$200.00 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Remove Aboveground Tank(s) up to 550 gals (aggregate amount up to 2 Tanks like hazards)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Remove Aboveground Tank(s) 551 gals - 1320 gals</td>
<td>$100 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Remove Aboveground Tank(s) 1321 gals - 9,999 gals</td>
<td>$100 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Service Description</td>
<td>Fee</td>
<td>Payment Required</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Remove Aboveground Tank(s) 10,000 gals and more</td>
<td>$100 per Tank</td>
<td>$0.00</td>
</tr>
<tr>
<td>Annual Storage Tank Registration Reports (FP 290) expires April 30</td>
<td>$50.00 per Tank/Year</td>
<td>$0.00</td>
</tr>
<tr>
<td>Permit to Maintain Storage Facility (FP-290 part 3) expire April 30</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Certificate of Registration (FP-5) expires April 30</td>
<td>$25.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Facility Inspections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarterly Inspections (e.g., Nursing Homes, Day Care, Clinics, Elderly Housing,</td>
<td>$0.00</td>
<td>$150.00/quarter</td>
</tr>
<tr>
<td>Schools, Nursing Homes &amp; Group Homes)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quarterly Inspections High Risk Facilities (e.g., Hospitals)</td>
<td>$0.00</td>
<td>$500.00/quarter</td>
</tr>
<tr>
<td>Annual Inspections (Commercial, Industrial &amp; Retail) (up to 5,000 sq ft)</td>
<td>$0.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>Annual Inspections (Commercial, Industrial &amp; Retail) (5,001 sq ft - 25,000 sq ft)</td>
<td>$0.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>Annual Inspections (Commercial, Industrial &amp; Retail) (over 25,000 sq ft)</td>
<td>$0.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>*Includes review of emergency plans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flammable/Combustible Materials and Hazardous Materials Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of Flammable &amp; Combustible Liquids, Gases, or Solids Permit (annual)</td>
<td>$50 per Location</td>
<td>$0.00</td>
</tr>
<tr>
<td>Storage of Combustible Materials (over 2,500 c.f.) Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Storage of Black Powder or Ammunition Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hazardous Operations / Processing Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Storage of Hazardous Materials Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Supervised Display of Fire Works **</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Biennial Inspection of Tank Truck</td>
<td>$100.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Oil &amp; Natural Gas installation Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Install/Modify Oil Burner (Residential)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Install/Modify Oil Burner (Commercial/Industrial)</td>
<td>$50.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>Install Unvented Gas Heater</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Other Permits &amp; Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blasting Permit **</td>
<td>$50.00</td>
<td>$0.00</td>
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</tbody>
</table>

(updated 8/20/2020)
<table>
<thead>
<tr>
<th>Permit Description</th>
<th>Fee</th>
<th>Admin Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Oven &amp; Furnace Permit (annual)</td>
<td>$50 per</td>
<td>$0.00</td>
</tr>
<tr>
<td>Facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demolition Permit **</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Dumpster Permit (Commercial, Industrial, Retail, Health Care, etc.) (annual)</td>
<td>$25 per</td>
<td>$0.00</td>
</tr>
<tr>
<td>Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dumpster Permit (Residential over 6 yards) (annual)</td>
<td>$10 per</td>
<td>$0.00</td>
</tr>
<tr>
<td>Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floor Refinishing with Flammable Liquids Permit (Commercial)</td>
<td>$25.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Floor Refinishing with Flammable Liquids Permit (Residential)</td>
<td>$10.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fumigation and Insecticidal Fogging Permit</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Open Burning Permit (Brush) (annual)</td>
<td>$10.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Permit to Perform Confined Space Activities &amp; Other Technical Operations**</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Forest Products Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Tar Kettle Permit</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Salamander Permit</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Paint Spray Booth Permit (Annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Tent Permit</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Tire Storage Permit (annual)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Mulch Storage (over 300 cubic yards)</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Welding/Cutting (hot work) Permit **</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Miscellaneous Permits *</td>
<td>$50.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Annual Smoke Detector &amp; CO Alarm Compliance Form (3-Family and more)</td>
<td>$10.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Fire Reports</td>
<td>$20.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

** Fire Detail may be required. Calculated at contractual detail rate plus 10% administrative fee. If fire apparatus is required for the detail, the following additional fees shall apply:
- Fire Engine: $100.00 per hour
- Ladder Truck: $200.00 per hour

The Fire Chief shall determine the requirements for any details.

*Miscellaneous permits in accordance with CMR 527 Fire Prevention Regulations and the Massachusetts State Fire Code MGL Ch 148.

This ordinance shall become effective July 1, 2014

**Section 6-6 Fire Districts**

The following Fire Districts are hereby established:

6-6.1 Fire District I
The First Fire District shall include all properties zoned for “Central Business District” use.

6-6.2 Fire District II

(updated 8/20/2020)
The second Fire District shall include all properties zoned for “Business” or “Industrial” uses and all that part of the city within the following described boundaries, other than that included in the First Fire District.

Beginning at the junction of North Main and Claflin streets through Claflin to Bank Street, through Bank Street to Holden Street through Holden to Starkey Avenue, through Starkey Avenue to Pleasant Street, through Pleasant Street to Perry Avenue, through Perry to Horton Street, through Horton to Forest Street, through Forest to Emory Street, through Emory to Park, through Park to George Street, through George to Maple Street, through Maple to Martin Street, through Martin to Brownell to Eden Terrace, through Eden Terrace to South Main Street, through South Main Street to Thacher Street, through Thacher to County Street, through County to Dennis to Mechanic Street, through Mechanic to Berwick Road, through Berwick Road to West Street, through West to North Main Street, through North Main to the point of beginning.

6-6.3 Outside Fire Limits
All areas of the City of Attleboro not included in Fire District I or Fire District II shall be designated as outside fire limits.

Section 6-7, Fire Protective Systems; Installation and Regulation

Section 6-7.1 Definitions: The following terms shall be defined as follows for the purpose of this section.

Annunciator: A visual display unit mounted on the inside or outside of a building or structure which provides information as to the location of the source of a fire protective system activation within the building or structure.

Central Station Operating System: A fire alarm system equipped to signal an alarm to an independent alarm company which is listed by a nationally recognized listing company, which, in turn, transmits the location of the alarm to the Fire Department.

False Alarm: An act or omission which causes a fire alarm signal to sound when there is no actual fire or other emergency and which results in a response from the Fire Department. A false alarm shall include an alarm resulting from a Fire Alarm System Malfunction as further defined herein.

Fire Alarm System: Any manual or heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal directly to the Fire Department, to a listed central station operating company or capable of sounding a local alarm. A Fire Alarm System shall not include a residential smoke detector as defined herein.

Fire Alarm System Malfunction: The transmittal of a fire alarm signal, whether directly to the Fire Department, to a listed central station operating company, or the sounding of a local alarm, when there is no actual fire or other emergency and which results in a response from the Fire Department. A fire alarm malfunction shall include an alarm signal which is caused as a result of a mechanical defect in the operation of the fire alarm system or as a result of the failure of the owner or its agents, including, but not limited to, a person hired by the owner to maintain the fire protective system, to notify the Fire Department of repair, maintenance, testing or other work being performed on the alarm system.

Fire Protective System: A fire alarm system and/or fire suppression system designed to protect a building from destruction from fire, used herein to refer to both types of systems and to requirements that apply to both fire alarm and fire suppression systems.

Fire Suppression System: Water sprinkler, chemical foam dispenser or other similar device or system designed to suppress fire or prevent the spread of fire throughout a building or structure.

Key Box: A box approved by the Fire Chief containing keys necessary for gaining emergency access by the Fire Department to or within a secured building or structure.

Master Box: A fire alarm signal box, approved by the Fire Chief, which is connected to the Fire Department by means of radio transmitters and receivers dedicated to transmitting and receiving alarm signals directly to the Fire Department.

Municipal Alarm System: A system of radio transmitters and receivers connecting fire alarm signal boxes throughout the city to the Fire Department.

National Fire Protection Association (NFPA Standards): Fire Prevention standards prepared by the National Fire Protection Association, now located at Batterymarch Park, Quincy, Massachusetts, designated herein as NFPA Standards.

Owner: Every person alone or jointly with others who (a) has legal title to real estate, or a structure or premises on which a fire protective system is installed or on which such a system is required to be installed as determined by the Fire Department; and, or,
(b) has care, charge, or control of any such premises in an capacity including, but not limited to a tenant, lessee, occupant, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession of any such premises; or (d) agent, trustee, or other person appointed by the courts for any such premises; or (e) any officer of trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of this ordinance.

**Person:** Any natural person, corporation, including for profit, non-profit, educational non-profit, or any other form of corporation, partnership, and any other entity of whatsoever name and description.

**Section 6-7.2 Fire Protective and Alarm Systems in General**

Every owner as defined in this section shall be responsible for providing fire protective systems in and on its premises as required by the Fire Chief in accordance with M.G.L. c. 148, 780 CMR (the State Building Code), 527 CMR (Massachusetts Fire Prevention Code), and applicable NFPA standards. Each such fire protective system shall be installed and maintained in accordance with the rules and regulations promulgated by the Fire Chief pursuant to said c. 148, which rules and regulations may be revised from time to time. A copy of said rules and regulations governing fire protective systems shall be available from the Superintendent of Fire Alarms or the Fire Department/Fire Prevention Bureau.

**Section 6-7.3 Installation, Removal, Permit Required**

(a) **Permit:** Each owner shall obtain a permit from the Fire Chief prior to beginning the installation of a fire protective system. Each such application for said permit shall include the following information:

1. Blueprints prepared in accordance with Fire Department regulations which shall indicate the location of said fire protective system and which must be stamped “approved” by the Fire Chief;

2. Receipts indicating that all applicable permit fees have been paid;

3. All other information required pursuant to Fire Department regulation.

(b) **System design:** Each fire protective system shall be designed in accordance with the rules and regulations of the Fire Department. Pursuant to said rules and regulations, the Fire Chief may require that a fire protective system contain certain features, including but not limited to the following:

1. a key box which shall be required when access to or within a building or structure is restricted due to secured openings or by design or where immediate access is necessary for lifesaving or fire fighting purposes. The key box shall contain keys necessary, as determined by the Fire Chief, for gaining emergency access by the Fire Department to the building or structure or area within a building or structure;

2. annunciators as defined herein which shall meet the requirements contained in Fire Department regulations.

(c) **Installation:** Upon obtaining an installation permit pursuant to paragraph (a) of this section, the owner shall proceed to install said fire protective system and shall complete such installation in accordance with the approved plan and the schedule for installation specified therein, which schedule shall include a completion date. Any changes, alterations or deviations from the approved plan, including but not limited to a change to a later completion date, must be approved in writing by the Fire Chief prior to making such change, alteration or deviation. Written approval by the Fire Chief of a change to a later completion date shall constitute an extension until the date stated on such approval. Failure of an owner to undertake or to complete installation of a fire protective system by the date specified in the plan or extension as defined in this section shall constitute a violation of this ordinance.

(d) **Final Approval and Inspection:** The owner shall obtain the final approval of the Fire Chief of each fire protective system. Final approval by the Fire Chief shall be subject to the satisfactory performance, as determined by the Fire Chief, of each of the following tasks by the owner:

1. **Certification of Compliance:** Prior to or no later than the date of the final inspection, the owner shall submit a side letter prepared by a licensed installer certifying that said fire protective system complies with Fire Department regulations; M.G.L. c. 148, 780 CMR (the State Building Code), 527 CMR (Massachusetts Fire Prevention Regulations), and applicable NFPA standards.
(2) Notification and Initial System Test: Upon completion of the installation of the fire protective system, the owner shall notify the Fire Chief of same in writing. Said notification shall be on forms approved by the Fire Chief which forms shall contain such information as deemed necessary by the Fire Chief in accordance with Fire Department regulations, including, but not limited to, a statement by the owner certifying that a complete test of said system has been performed and that said system is one hundred percent (100%) operational based on the results of said test.

(3) Maintenance Contract: Prior to or no later than the date of the final inspection, the owner shall provide a copy of a current, full executed maintenance contract between the owner and a person authorized by the Fire Chief to perform fire protective system maintenance and testing, or other plan of maintenance deemed satisfactory by the Fire Chief which shall provide for the required maintenance and testing of each fire protective system in accordance with Fire Department regulations.

(4) Final Inspection: Upon receipt of the notification from the owner as provided in paragraph one (1) of this section, the Fire Chief shall schedule a final inspection of said system. The final inspection shall include a test of the fire protective system to be conducted by the owner or person designated by the owner and said test shall be conducted in accordance with Fire Department regulations. The Fire Chief may require such additional tests as deemed necessary in order to assure proper operation of the system as a condition of final approval of each such system. The owner shall be responsible for all costs associated with conducting said testing, including but not limited to inspection fees.

(e) Operation: (1) Upon final approval of a fire protective system, the owner shall be required to maintain said system in one hundred percent (100%) operating condition at all times. The owner or the person hired by the owner to maintain said system shall notify the Fire Department and obtain all necessary permits prior to disconnecting the fire protective system for any reason, provided, however, that no permit shall be necessary for performing routine tests or for making emergency or minor routine repairs as further specified in accordance with Fire Department Regulations.

(2) The provisions of the foregoing paragraph (1) shall not apply to temporary emergency disconnection of sprinkler systems as provided for in M.G.L. c. 148 Section 27A, provided, however, that any such emergency disconnection shall be subject to the notification as required by said statute.

(f) Removal: No fire protective system shall be removed unless or until the owner has obtained a permit for the installation of a replacement system or made alternative arrangements for fire protection which have been approved in writing by the Fire Chief.

Section 6-7.4 Maintenance and Testing

(a) Maintenance and Testing: Every owner shall provide for the performance of regular maintenance and testing of fire protective systems located in or on its premises in accordance with Fire Department regulations. All such maintenance and testing shall be performed by persons authorized to perform fire protective system maintenance and testing by the Fire Chief in accordance with Fire Department regulations. The owner or the person hired by the owner to perform said maintenance and testing shall notify the Fire Department of any changes in the operation of the system or of any changes in the information required pursuant to Fire Department regulations.

(b) Notification: No person shall perform maintenance, testing, or repair work on, disconnect, make any alteration to or otherwise tamper with a fire protective system without first providing notice to the Fire Department (Fire Alarm Division) except as otherwise provided in Section 6-7.3 (e) (2) of this ordinance.

Section 6-7.5 False Alarms, Malfunctions

(a) No person or owner shall cause, suffer, permit, allow or otherwise fail to prohibit the activation of a false alarm. Each such false alarm shall constitute a separate offense, provided, however, that any such person or owner who can show that a false alarm was caused solely by the malicious action of a person not lawfully on the premises, shall not be a violation of this provision for the purposes of such false alarm.

Section 6-7.6 Connection to Municipal Alarm

(a) Connection, when required: The Fire Chief shall determine, in accordance with state law, which premises shall be directly connected to the municipal fire alarm system. Connection to the municipal fire alarm system shall be by means of a master box or central station monitoring system, as determined by the Fire Chief. Owners of such premises shall comply with the rules and regulations of the Fire Chief for completing said connections, and shall be required to pay the annual maintenance fees set out in Section 6 - 5 of these revised ordinances. All such connections shall be completed as of the completion date for the installation of
the fire protective system as specified in the approved plan pursuant to Section 7-3 (c), provided, however, that the Fire Chief may grant a written extension for completing said connections.

(b) Unauthorized connection: No person or owner shall make a connection to the municipal fire alarm system without first obtaining the permission of the Fire Chief and complying with the rules and regulations for making said connection.

(c) Unauthorized disconnection: No person or owner shall disconnect or otherwise prevent the transmission of a fire alarm signal via the municipal alarm system or a central station operating system.

Section 6-7.7 Violation of the State Fire Prevention Code

In order to protect and enhance the public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations 527 C.M.R. in its entirety are hereby incorporated in and made a part of this ordinance and any violation of any provision thereof shall constitute a violation of this ordinance.

Section 6-7.8 Penalty for Violations

A person or owner who violates any provision of this ordinance shall be subject to a fine of not less than fifty ($50.00) nor more than three-hundred ($300.00) dollars, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, section 21D, as amended. Each day of continuing violation shall constitute a separate offense. The specific penalty to be assessed for the different violations is set forth below:

<table>
<thead>
<tr>
<th>FIRE DEPARTMENT</th>
<th>VIOLATIONS SUBJECT TO FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warning (Ticket to note violation)</td>
<td>Penalty $ 0.00</td>
</tr>
<tr>
<td>Section 6-7.2 Fire protective and alarm systems in general</td>
<td></td>
</tr>
<tr>
<td>Failure to provide fire protective system</td>
<td>Sec. 6-7.2</td>
</tr>
<tr>
<td>Section 6-7.3 Installation, removal, permit required</td>
<td></td>
</tr>
<tr>
<td>Failure to obtain permit</td>
<td>Sec. 6-7.3 (a)</td>
</tr>
<tr>
<td>Failure to undertake or to complete installation of a fire protective system</td>
<td>Sec. 6-7.3 (c)</td>
</tr>
<tr>
<td>Failure to schedule final inspection</td>
<td>Sec. 6-7.3 (d)</td>
</tr>
<tr>
<td>Failure to perform test for acceptance</td>
<td>Sec. 6-7.3 (d)</td>
</tr>
<tr>
<td>Failure to maintain 100% operating system</td>
<td>Sec. 6-7.3 (e)</td>
</tr>
<tr>
<td>Section 6-7.4 Maintenance and testing</td>
<td></td>
</tr>
<tr>
<td>Failure to provide for required maintenance or testing</td>
<td>Sec. 6-7.4 (a)</td>
</tr>
<tr>
<td>Failure to notify fire department of maintenance</td>
<td>Sec. 6-7.4 (b)</td>
</tr>
</tbody>
</table>
or testing, or other work

Section 6-7.5 False alarms, malfunctions

False alarm Sec.6-7.5 (a) $50.00

*3rd response in a thirty (30) day period

Section 6-7.6 Connection to municipal alarm

Failure to complete connection to municipal alarm system Sec. 6-7.6 (a) $50.00

Unauthorized connection to municipal alarm system Sec. 6-7.6 (b) $50.00

Unauthorized disconnection from municipal alarm system Sec. 6-7.6 (c) $50.00

Section 6-7.7 Violation of state fire prevention code

Violation of 527 CMR Sec.6-7.7 $50.00

(Citation to note section violated)

The Fire Chief, Fire Alarm Superintendent, all Deputy Fire Chiefs and fire prevention personnel shall be authorized to issue written notice of violations.

Section 6-7.9 Severability

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining provisions or applications of this ordinance.
CHAPTER 7
HEALTH

Section 7-1 Health Department

7-1.1 Organization

There is hereby established within the Municipal Government a Health Department, headed by a Health Officer who shall have the powers of a Board of Health. The Mayor shall appoint the Health Officer, subject to confirmation by the Municipal Council for a term of one year. The Health Officer shall be registered to practice medicine under the laws of the Commonwealth of Massachusetts and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

7-1.2 Powers and Duties

The Health Office, under the general supervision and control of the Mayor, shall administer the Health Department and shall make and enforce regulations concerning nuisances, sources of filth, rubbish, and causes of disease within the City of Attleboro.

The Health Officer, and other Health Agents under his control, shall have all the powers and duties now or from time to time vested by General Law or Special Act in Health Officers and Health Agents.

7-1.3 Staff

The Health Officer, subject to appropriation, may employ a Health Agent, a Deputy Health Agent whose responsibilities shall include that of Inspector of Animals, and the employees deemed necessary to carry out the duties of the Health Department.

Section 7-2 Solid Waste Advisory Committee

7-2.1 Organization

There is hereby established within the Municipal Government an unpaid Solid Waste Advisory Committee consisting of nine members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office and shall have no personal or financial interest in any contract supervised by or which could be supervised by said Committee. Each member shall serve for a term of three years with the term of three members to expire each year. Members of the Solid Waste Advisory Committee shall elect their chairman, vice-chairman and secretary in April of each year.

7-2.2 Powers and Duties

The Solid Waste Advisory Committee shall act in an advisory capacity to the Mayor and Health Officer in all matters of solid waste management. When requested by the Health Officer, the Committee shall prepare draft procedures or methods and cost estimates should the drafted procedure differ from any present method for solid waste management. The Health Agent by virtue of his duties shall be an ex officio member. The Solid Waste Committee may elect one or more of its members to be liaison agent(s) to other Solid Waste Committee or Commissions for the purpose of exchanging information, methods, procedures and costs relating to solid waste management.

The Solid Waste Advisory Committee shall maintain records and minutes of its meetings.

The Committee from time to time shall make recommendations to the Mayor and Municipal Council on ways and means to improve solid waste management.

7-2.3 Staff

The Solid waste Advisory Committee, subject to appropriation, may employ such clerical, technical and other assistance as it deems necessary to carry out its functions.

Section 7-3 Rat and Vermin Control (Amended 6/4/96)

7-3.1 No owner or occupant of any premises in the City of Attleboro shall allow said premises to become infested with vermin or rodents.

(updated 8/20/2020)
7-3.2 It shall be the duty of the Health Officer to cause an inspection of any premises in the City which he has good reason to believe is not in rat-proof condition. If said premises are found to be vermin or rat infested, the owner or occupant shall be notified in writing by the Health Officer, or his duly authorized representative, to take immediate measures to remedy said condition. The notice may be served by an employee of the Health Department or a Police Officer, or it may be served by depositing the said notice, enclosed in a postpaid envelope addressed to the person to be notified, in the Post Office of the City of Attleboro. Said owner or occupant shall forthwith comply with the notice.

7-3.3 No person shall place food in the open for feeding of any domesticated fowl, birds or animals except in such containers as will prevent the scattering of such food upon the ground. After such feeding, such food shall not be allowed to remain where it is accessible to rats.

7-3.4 Fines Any person who violates any provision of this ordinance shall be punished by a fine according to the following schedule: First offense $25.00; second through seventh offense increasing by $25.00 per offense. Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D as amended. This ordinance may be enforced by the Health Department, Building Department or Police Department.

Section 7-4 Mobile Home Parks

7-4.1 General

No Mobile Home Park shall be operated in the City of Attleboro unless a license therefor has been granted by the health Officer. No such license shall be granted except in conformance with the Zoning Ordinance of the City of Attleboro. The granting of such license shall not remove the necessity of obtaining a building permit for each trailer to be installed in said mobile home park in accordance with Section 19 of the Massachusetts State Building Code.

No mobile home, trailer, or like structure shall be used for living quarters anywhere in the City of Attleboro except within a mobile home park; except that in case of any emergency or disaster, when properly proclaimed, temporary occupancy permits for such use may be granted by the Inspector of Buildings. Such temporary permits shall be administered by the health Officer.

7-4.2 Conditions of License

    a. No license shall be granted for operating a mobile home park unless connection is made to a municipal water supply system and all units within the park are connected to it. A private water system for use in a central laundry or other similar use may be permitted at the discretion of the Health Officer.

    b. Where a public sewage system is available at or within the boundaries of the mobile home park site, connection shall be made thereto so as to serve all mobile homes and permanent buildings within that park. Where such public sewage system is not available or feasible, the Health Officer shall not grant a license for any mobile home park unless or until he is satisfied that the sewage can be safely and effectively disposed of through lawful and proper means. The Health Officer shall, prior to the issuance of any license, assure compliance with local and state laws.

7-4.3 Application Procedure

Application for a license to operate a mobile home park, or to operate any alteration, modification or extension of any existing mobile home park, shall be made in writing to the Health Officer. The Health Officer shall act on the application and notify the applicant in writing of his decision within sixty days.

Each application shall include the following:

    a. Name and address of the applicant and the nature of his interest in the property involved.

    b. Name and precise location of the proposed mobile home park, alteration, modification or extension.

    c. Copies of relevant site plan and report information as submitted to the Planning Board with the application for the special permit required by the Zoning Ordinance.

7-4.4 Approval or Denial of Application
The Health Officer may issue a license to the applicant subject to such conditions as he, with the advice of the Planning Board and consistent with the intent of this ordinance may impose.

If the license has been denied, the Health Officer shall include a clear and sufficient exposition of the reasons upon which the denial was based.

7-4.5 Revocation of License

The Health Officer may revoke any license granted under this ordinance and the material section of General Law, Chapter 140, if the licensee violates or fails to comply with any condition limitation or restriction contained in said license or this ordinance.

7-4.6 Construction Standards

a. Mobile Home Pad: The pad shall be constructed from concrete or asphaltic concrete sufficient to adequately support the mobile home, to prevent abnormal settling or heaving under the weight of the mobile home. The mobile home shall be anchored to prevent wind overturn and rocking with tie-downs, such as concrete "dead men" screw augers, arrowhead anchors, or other suitable devices, capable of withstanding tension of at least 4800 pounds. The mobile home shall be boxed in. Said installation shall be subject to the approval of the Inspector of Buildings.

b. Water and Sewer Lines: Utility lines shall not be laid in the same trench and there shall be a minimum horizontal distance of ten feet between them. Water-sewer crosses shall be kept to a minimum where crosses are necessary. Every effort shall be made to have the water lines pass above the sewer lines where adequate depths for cover are practical to obtain. Acceptable sewer pipe materials are cement, asbestos, cast-iron and clay. Acceptable water pipe materials are wrought iron, steel, copper, cement, asbestos, and rigid plastic such as PVC and ABS. The water and sewer riser pipes shall form water-tight seals and when not connected to a mobile home shall be tightly and securely plugged. Water and sewer riser pipes shall extend at least six (6") inches above the mobile home pad. The water supply riser pipe shall be at least 3/4 inch inside diameter. A shut-off valve below the frost line shall serve each mobile home. Underground stop and waste valves shall be installed on any water service. All water and sewer installations shall be subject to the approval of the Superintendent of Public Works.

c. Electrical: Electric power lines shall be either underground or strung from poles in a manner acceptable to the servicing electric power company. Wires shall not be strewn about on the ground surface or strung from home to home. All connections shall be installed in accordance with the Massachusetts State Electrical Code and subject to approval of the Inspector of Wires.

d. A plan and profile of all water, sewer, and electrical lines shall be submitted to the Superintendent of Public Works for approval.

7-4.7 Water Pollution Control Requirements

Where an existing public sewer is to be utilized, the applicant shall present such evidence as will show that such utilization is acceptable to the Superintendent of Public Works.

When a sewage system is proposed which involves a discharge to the waters of the Commonwealth, the applicant shall present such evidence as will show that his waste treatment system is approved by the appropriate department of the Commonwealth. Notwithstanding such approval, the Health Officer may, based on special local conditions, impose additional restrictions upon the installation of such a system.

7-4.8 Penalty

Any person violating this ordinance, or any provision thereof, shall, upon conviction in a court of competent jurisdiction, be fined not more than two hundred dollars for each such offense. For the purposes of this ordinance, every day any such offense continues shall be considered a separate offense.

Section 7-5 Train Noise

The noise from any site at which diesel, diesel-electric or electric locomotives are either parked or stored shall not exceed ten decibels above the background noise; said noise refers only to the noise due to the idling or revving of said parked or stored locomotives and does not refer to noise from trains passing by at a high rate of speed or trains which are picking up or discharging passengers at a recognized depot. In addition, such parked or stored locomotive shall not be allowed to idle their
engines for longer than 30 minutes after arrival at any such site and 30 minutes prior to departure unless extraordinary
circumstances so require. Cold weather requiring regular warming of such engines shall not be considered extraordinary
circumstances.

Section 7-6 Storage of Trash, Rubbish and Garbage

7-6.1 Prior to its final disposal, trash, rubbish, garbage or any combination of these substances shall be stored inside durable, rodent-proof containers with tight fitting covers. Trash, rubbish or garbage may be stored inside plastic bags unless the Health Department determines that use of such plastic bags causes or contributes to insect or rodent infestation, strewn or uncontained trash, rubbish or garbage, or any actual or potential health problem.

7-6.2 Any commercial establishment or residence comprised of four or more units which utilizes a large, metal "dumpster" type receptacle for the storage of trash, rubbish or garbage shall keep it covered when not in use and shall periodically deodorize and maintain it in a condition free of insects, rodents and other pests. Containers with drains or drain plugs shall remain in place except during cleaning.

7-6.3 Any commercial establishment or residence comprised of four or more units which utilizes "barrel" type containers or, where permitted, plastic bags for the storage of trash, rubbish or garbage may be required upon order from the Board of Health to enclose such containers with a fence which shall completely screen such containers from view or supply sufficient containers to store refuse.

7-6.4 Any person who violates any provision of this ordinance shall be punished by a fine according to the following schedule: first offense $25.00; second offense through seventh offense increasing by $25.00 per offense; eighth offense and each offense thereafter $200.00. Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D as amended. This ordinance may be enforced by the Health Department, Building Department, or Police Department.

Section 7-7 Collection of Domestic Solid Waste (Amended 8/21/2014)

7-7.1 The Health Officer, with the approval of the Mayor and subject to appropriation, shall provide for the collection of domestic rubbish and domestic recyclables from residential dwellings of one through eight units. The removal and disposal of all other solid waste shall be the responsibility of the owner, agent or occupant of the premises where such solid waste is located.

7-7.2 For the purpose of this section, domestic rubbish shall mean the refuse from private homes and apartments houses, excluding domestic recyclables, leaves and yard waste, rubbish caused by fire, construction or repair of buildings, dead animals, and any other matter deemed unacceptable by the Health Officer.

For the purpose of this section, domestic recyclables shall mean glass containers, aluminum, metal containers and newspaper. Glass containers as defined shall be made of clear, brown or green glass, and shall exclude blue and flat glass (commonly known as window glass), dishes, pottery and crockery. Aluminum as defined shall include cans, but exclude foil and containers or trays used in the packaging of food. Metal containers as defined shall be made entirely of ferrous metal (iron or steel) and shall exclude all pressurized cans and cans which have contained hazardous materials. Newspaper as defined shall mean unsoiled newspaper, including newspaper advertisements, supplements, comics and enclosures, and shall exclude magazines, catalogues and telephone directories. The Health Officer may make such further regulations as are deemed necessary to insure that items collected are appropriate for commercial recycling.

Section 7-7.3 It shall be the duty of the owner, agent or occupant of the premises where domestic garbage and rubbish is located to provide suitable containers for such domestic garbage and rubbish. Containers shall be durable and shall weigh when full not more than 75 pounds. Disposable containers may be used within the above weight. Containers shall not be overfilled or broken. Plastic bags shall be used to store garbage or mixed rubbish and garbage inside suitable containers. Loose garbage will not be allowed in containers. Hazardous Waste materials are not allowed in containers. Large items shall be bundled, tied or otherwise properly secured so as not to be strewn about the streets. Domestic garbage and rubbish shall not contain items defined as domestic recyclables. Each homeowner shall separate from non-recyclable rubbish all domestic recyclables as defined.

7-7.4 All domestic recyclables shall be placed for collection in the plastic cart approved by the City of Attleboro, and in no other containers. Domestic recyclables shall be washed and prepared as required by the Health Officer, and shall not be placed in the same container or otherwise mixed with other domestic rubbish for collection or disposal. All such domestic recyclables
must fit in the approved plastic cart so that the lid is completely closed. Only domestic recyclables placed in the approved plastic cart will be collected.

7-7.5 A schedule for the collection of domestic rubbish and domestic recyclables shall be established by the Health Department. All containers for domestic rubbish and/or domestic recyclables shall be placed for curbside collection between 5:00 p.m. on the day prior to the scheduled pick up, and 7:00 a.m. on the day of the scheduled pick up. Containers shall be placed on the outer edge of sidewalks (where available), and otherwise no further than three (3) feet from edge of pavement. The recycling cart must be at least three (3) feet away from any other containers or structures (e.g. signs, mailboxes, etc.). Collectors are forbidden to go upon private property beyond five (5) feet. The number of containers for collection per residence on any one day may be limited by the Health Officer, subject to the approval of the Mayor.

This ordinance shall become effective upon its passage.

7-7.6 No person shall willfully or maliciously disturb or handle the contents of or tip over or upset any container placed for the collection of solid waste.

7-7.7 Trucks having passed through a street will not be sent back to collect any solid waste placed for collection after seven o’clock in the morning. All containers shall be removed by the owner, agent or occupant from the limits of the street upon which they have been placed the same day in which they are emptied.

The City of Attleboro will not be responsible for any litter upon the streets resulting from the placing of poorly constructed, damaged or improperly placed containers, or for any damage resulting from or caused by the presence of containers properly placed at the street line. The responsibility for such litter or damage shall be upon the person who placed such containers.

7-7.8 Fines Any person who violates any provision of this ordinance shall be punished by a fine according to the following schedule: first offense $25.00; second offense through seventh offense increasing by $25.00 per offense; eighth offense and each offense thereafter $200.00. Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D as amended. This ordinance may be enforced by the Health Department, Building Department or Police Department.

This ordinance shall become effective April 1, 1993.

Section 7-8 Solid Waste Collection Fees (Amended 5/03/05, 6/20/06, 6/26/07, 6/10/08, 6/25/12, 6/23/16, 6/23/20)

7-8.1 A charge is hereby established in the amount of $234.12 per year from residential dwellings of one (1) through eight (8) units, for the regular curbside collection and disposal, of domestic rubbish, domestic recyclables, white goods and yard waste, the collection and disposal of hazardous waste, the operation of the municipal composting site, and the operation for solid waste disposal.

Regular, weekly curbside collection and disposal of solid waste shall consist of the following:

1. Unlimited domestic recyclables and one (1) container (bag or barrel, maximum volume 36-gallons, maximum weight 50 pounds)-additional domestic rubbish shall be disposed of in city-approved collection bags, having a capacity of 30-33 gallons, and available at a per bag cost of $2.00;
2. One (1) bulky item (e.g. furniture or non-metal item), per household, per week;
3. Unlimited metal items, not including televisions (e.g., appliances and electronic) and
4. Two (2) televisions, per household, per fiscal year (i.e., July 1st through June 30th)--additional televisions may be picked up at a charge of $10.00 per television.

This ordinance shall take effect on July 1, 2016.

7-8.2 Billing Periods and Abatements (amended 3/4/08)

Billing periods for said charges shall run from July 1 through September 30, October 1 through December 31, January 1 through March 31, April 1 through June 30. Twenty-five percent (25%) of said charges shall be due for each billing period or portion thereof.

The Health Department shall establish and administer policies and procedures for the abatement of said charges for a vacancy of three months in any billing period, provided that the abatement request can be substantiated by proof of said vacancy.

(updated 8/20/2020)

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The Health Department shall establish and administer policies and procedures for the abatement of said charges for property owners paying for a private contractor for rubbish collection and recycling services. The hauler shall be licensed with the Health Department. Proof of a contractual agreement is required by the property owner which provides rubbish and recycling. All municipal rubbish and recyclable programs are not available to residents with private service. It is the responsibility of the property owner to request their rubbish abatement quarterly.

The Health Department shall establish and administer policies and procedures for the abatement of said charges for property owners transporting their own rubbish/recycling to a hauler licensed with the Health Department. Property owners shall register with the Board of Health; and, provided further, that he transports said substances in accordance with such reasonable rules and regulations as established by the Health Department. Rubbish and recycling shall be separated with a proof of a contractual agreement which provides rubbish and recycling with the property owner. All municipal rubbish and recyclable programs are not available to residents with private service. It is the responsibility of the property owner to request their rubbish abatement quarterly.

No abatement shall be granted for any period of time more than nine months prior to the date on which the abatement request is filed with the Health Department.

7-8.3 Mobile Home Parks and Residential Complexes of Nine or More Units (added 6/25/02) A program is hereby established for the acceptance and disposal of hazardous waste, composting waste, and disposal of solid waste from Attleboro residents of mobile home parks and residential complexes having nine (9) or more units. Fees for this program are hereby established as follows and are effective July 1, 2002.

Hazardous Waste Drop-Off

<table>
<thead>
<tr>
<th>Substance</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Propane tanks</td>
<td>$3.00/tank</td>
</tr>
<tr>
<td>Tires</td>
<td>$1.50/tire</td>
</tr>
<tr>
<td>Paint</td>
<td>$1.00/gallon</td>
</tr>
<tr>
<td>Oil</td>
<td>$0.25/gallon</td>
</tr>
<tr>
<td>Oil filter</td>
<td>$0.25/filter</td>
</tr>
<tr>
<td>Anti-freeze</td>
<td>$0.25/gallon</td>
</tr>
<tr>
<td>Fluorescent bulbs</td>
<td>$0.10/foot</td>
</tr>
</tbody>
</table>

Hazardous Waste material shall be dropped off on the first Saturday from April thru November at the site specified by the Health Department. The fees for the collection and disposal of such material shall be collected on site.

Household Hazardous Waste Day:
A fee of $2.50/pound will be charged for House Hazardous Waste material collected during the annual Household Hazard Waste Day. The fee for the collection and disposal of such material shall be collected on site.

Composting Waste:
A fee of $5.00/year will be charged for the purchase of a vehicle sticker. Such sticker shall be purchased at the Health Department. The sticker shall only be placed on the resident's personal vehicle.

Solid Waste Collection:

<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appliance</td>
<td>$10.00</td>
</tr>
<tr>
<td>Television</td>
<td>$10.00</td>
</tr>
<tr>
<td>Computer</td>
<td>$10.00</td>
</tr>
<tr>
<td>Couch</td>
<td>$10.00</td>
</tr>
<tr>
<td>Mattress</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

Solid Waste material shall be collected at the curb by appointment only. Payment per item shall be made at the Health Department prior to being collected.

7-8.4 Use of Funds (Amended 6/25/02) The funds received from said fees shall be used to administer and provide for the regular collection and disposal of domestic rubbish, hazardous waste, white goods and the operation of a municipal composting site as well as other programs for solid waste disposal.

(updated 8/20/2020)
7-8.5 Billing Cycle and Delinquent Interest Rate (Amended 6/25/02) Bills for said charges shall be issued on the same cycle as water bills and shall be due and payable within thirty days of the billing date. Interest at the rate of twelve per cent per annum from the date of the bill to the date of payment shall be collected for solid waste disposal charges not paid within thirty days of the date of the bill and thus deemed to be delinquent. Any delinquent solid waste disposal charges, together with the interest due, shall constitute a lien upon the real estate for which service is supplied. Such liens shall be processed in the same manner as liens for unpaid water bills.

7-8.6 Exemptions (Established 12/21/99 Amended 2/21/2012, 2/18/20) Property owners who are eligible for a property tax exemption under MGL 59, Section 5, clause 41C shall, upon application receive a thirty three and one-third percent (33 1/3%) exemption on the solid waste fee.

Section 7-9 Unauthorized Dumping

7-9.1 No person shall throw, place or deposit, or permit any person under his control or employment to throw, place or deposit, any putrid substance, garbage, rubbish, yard waste, refuse piles, building materials, or similar materials, in or upon any vacant lot, alley, lane, sidewalk, street, canal, lake or river, or upon any private lot or public ground within the City of Attleboro, except to comply with the provisions for storage and collection of solid waste in accordance with Section 7-6 and 7-7 of this chapter.

7-9.2 Whoever violates any provision of this ordinance shall be liable for a fine of twenty-five ($25.00) dollars for each such violation, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D), as amended. each day of continuing violation shall constitute a separate offense. This ordinance may be enforced by the Health Department.

Section 7-10 Compost Center (Amended 8/21/14)

7-10.1 Landscapers will be permitted to purchase tickets at the Heath Department for the disposal of yard waste at the City Compost Center. Tickets will be packaged in books of 5 for $60.00. The cost of each disposal load will be determined by the size of the truck and or trailer: 1 ticket for a standard size pick up truck or two wheeled trailer and 2 tickets for a 6 wheeled truck or trailer with more than two wheels. Logs that are greater than six inches (6") in diameter and stumps will be excluded from the loads. The funds received from this program shall be used to help with the operations of the compost center.

The purchase of a coupon book will not affect the hours of operation.

Section 7-11 Plastic Waste Reduction (Adopted 1/8/19)

7-11.1 Declaration of findings and policy - Scope
The City Council hereby finds that the reduction in the use of disposable checkout bags by retail establishments in the City of Attleboro is a public purpose that protects marine environments, advances solid waste reductions, reduces greenhouse gas emissions and protects waterways. This ordinance seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City of Attleboro.

7-11.2 Definitions:
The following words shall, unless the context clearly requires otherwise, have the following meanings:

1. “Check-out bag” shall mean a bag provided by a store to a customer at the point of sale for transporting food or merchandise from the establishment. The following bag types are excluded from this definition:
   a. Bags, whether plastic or not, in which loose produce or products are placed to deliver such items to the point of sale or check out area of a Retail Establishment; or
   b. Laundry or dry-cleaner bags; or
   c. Newspaper bags; or
   d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture

2. “Recyclable paper bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

(updated 8/20/2020)
3. “Reusable check-out bag” shall mean any bag with handles that is specifically designed and manufactured for multiple, long-term reuse, made of:
   a. Cloth or other machine- or hand-washable fabric; or
   b. Other durable material, including plastic that is at least 4.0 mils thick

4. “Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

5. “Thin-film, single-use plastic check-out bag” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

7-11.3 Regulated Conduct:
(A) No Retail Establishment in the City of Attleboro shall provide thin-film, single-use plastic check-out bags to customers, except as provided in Section 7-11.4 Exemptions. If a Retail Establishment provides check-out bags to customers, the bags must be one of the following: recyclable paper bag or reusable check-out bag.
(B) Retail Establishments with a total of 3,500 square feet or more that make available thin-film, single-use plastic check-out bags, with or without handles, that are exempt from the provisions of this ordinance, shall provide in-store collection and proper recycling of thin-film, single-use plastic check-out bags. In-store collection locations must be prominently displayed and easily accessible.

7-11.4 Exemptions:
Thin-film plastic bags typically without handles, which are used to contain produce, meat, bulk foods, wet items, dry cleaning are not prohibited under this ordinance.

7-11.5 Enforcement:
The Health Officer and the City of Attleboro Health Department shall have the authority to administer and enforce this ordinance. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation. The following penalties shall apply: A fine of $50 shall apply for the first violation following the issuance of a written warning notice. A fine of $100 shall apply for the second violation and each additional violation of this ordinance after the issuance of a written warning notice. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

7-11.6 Regulations:
The Health Officer or his/her designee may promulgate guidelines and regulations consistent with the enforcement of this chapter.

7-11.7 Effective Date:
This ordinance shall take effect on and after October 1, 2019 for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the City of Attleboro that total 3,500 square feet or more. For Retail Establishments with a floor area less than 3,500 square feet, the Health Officer or his/her designee may exempt the Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a retail establishment requires additional time in order to draw down an existing inventory of thin-film, single-use plastic check-out bags.

7-11.8 Severability:
If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

(updated 8/20/2020)
Section 8-1 Board of Library Trustees

8-1.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Library Trustees consisting of nine members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years with the terms of three members to expire each year. Members of the Board shall annually elect a chairman and a secretary from their own number; they shall annually elect a treasurer who need not be a member of the Board.

8-1.2 Powers and Duties

The Board of Library Trustees, under the general supervision and control of the Mayor shall administer the Public Library and reading rooms and all property of the City relating thereto. The Board of Library Trustees shall make suitable regulations concerning the use and management of the Public Library and Reading Rooms and all property of the City relating thereto.

The Board of Library Trustees shall have all the powers and duties now or from time to time vested by General Law or Special Act in Boards of Library Trustees.

8-1.3 Staff

The Board of Library Trustees, subject to appropriation, may employ a Librarian, Assistant Librarians, Library Technicians, Custodians, and such other assistance as the Board deems necessary to carry out the functions of administering the public library.

8-1.4 Proceedings of the Board of Library Trustees

The Board of Library Trustees shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the mayor, or directed by vote of the Board. The Board shall keep a record of its proceedings, may establish its own rules of procedure, and may, subject to appropriation or other available funding, make such expenditures as may be necessary to the performance of its functions.
CHAPTER 9
LICENSES AND PERMITS

Section 9-1 General

9-1.1 Unless otherwise provided by law or these ordinances, all applications for licenses, along with the appropriate fee, shall be filed with the City Clerk. The application shall contain the name and address of the applicant and such other information as the City Clerk or Municipal Council may require. The City Clerk shall forward the application to the Municipal Council for approval. If the Municipal Council grants the application, the license shall be signed by the City Clerk.

9-1.2 All licenses shall expire April 30 of each year unless otherwise provided. Permits and temporary licenses shall be valid only for the period stated therein. All licenses and permits granted by the Municipal Council and approved by the Mayor may be suspended or revoked by the Municipal Council with the approval of the Mayor. All licenses and permits granted by a City official or officials may be suspended or revoked by said City official or officials unless otherwise provided by law.

9-1.3 No license fee shall be pro-rated unless the annual fee equals or exceeds $10.00 and unless granted within six months prior to the first day of May next ensuing. No refund of a license fee upon the voluntary surrender of a license to the City Clerk shall be authorized by the Municipal Council unless the annual fee equals or exceeds $10.00 and the term of said license has then more than six months unexpired.

Section 9-2 License and Permit Fees (amended 5/18/10, 4/5/16)

Amusement Arcade $1,000.00 for 5 machines
Additional $ 100.00 per machine for machines 6 to 10
Additional $ 150.00 per machine for machines 11 to 15
Additional $ 200.00 per machine for machines 16 to 20
Additional $ 250.00 per machine for all machines over 20
(Amended by General Laws, Chapter 140, Section 181)

Antique dealer $ 25.00 (General Laws, Chapter 140, Section 54)
Auctioneer's License for Resident $ 25.00 (General Laws, Chapter 100, Section 2)
Auctioneer's License for Non-Resident $ 15.00 each day (General Laws, Chapter 100, Section 2)
Automatic Amusement Dev. $ 30.00 each device (General Laws, Chapter 140, Section (177A)
Billiard and Pool Tables $ 30.00 each table (General Laws, Chapter 140, Section 177)
Bowling Alley $ 10.00 each alley (General Laws, Chapter 140, Section 177)
Bus $ 10.00 (General Laws, Chapter 159A, Section 1)
Carnival or Circus $ 100.00 (General Laws, Chapter 140, Section 181)
Carousels, Roller Skating Rinks, Inclined Railways, Ferris Wheels, Outdoor Exhibitions of Fire Fighting temporary/location $ 1.00/day (General Laws, Chapter 140, Sec 186)
permanent/ location $ 10.00
Common Victualler's License $ 35.00 (General Laws, Chapter 140, Section 2)
Dig Up Public Ways (Deleted June 15, 1990)

DOG LICENSES:

Neutered Male $ 5.00
Spayed Female $ 5.00
Male $ 20.00
Female $ 20.00
Kennel-not more than 4 dogs $ 50.00
Kennel-more than 4 but not more than 10 dogs $ 75.00
Kennel-more than 10 dogs $125.00
Pet Shop $ 75.00
Grooming Shop $ 75.00
Replacement of Lost Tag $ 5.00
Adoption of Dog $ 90.00
Feline Adoption $ 90.00
Spaying/Neutering Deposit $ 30.00
Driving Range $ 15.00 (General Laws, Chapter 140, Section 181)
Fortune Teller $ 10.00 (General Laws, Chapter 140, Section 1851)
Gasoline, Inflammables or Other Explosives (Original)
Fee for not more than 3,000 gallons $ 50.00
Additional fee each additional 1,000 gallons $ 2.00
Certificate of Registration (renewal) fee for not more than 3,000 gallons $ 25.00
Additional fee each additional 1,000 gallons $ 1.00 (General Laws, Chapter 148, Section 13)
Guard Dogs $ 10.00 establishment (General Laws, Chapter 148, Section 28D)
Hackney Carriage (Taxi) $ 15.00 each vehicle (General Laws, Chapter 40, Section 22)
Operator's License $ 10.00 (General Laws, Chapter 40, Section 22)
Hawkers and Peddlers of Fish, Fruit or Vegetables $ 15.00 (General Laws, Chapter 101, Section 17)
Hawkers and Peddlers and Selling Agents $ 15.00 (General Laws, Chapter 101, Section 22)
Inn Holder $ 35.00 (General Laws, Chapter 140, Section 2)
Junk Collector and Dealer $100.00 (General Laws, Chapter 140, Section 54)
Keeping a Stand in a Public Place $ 15.00 (General Laws, Chapter 101, Section 1 and 3)
Lodging House $ 35.00 (General Laws, Chapter 140, Section 23)
Motor Vehicles, Class I, Class II, or Class III $100.00 (General Laws, Chapter 140, Section 57-59)
Pawn Broker $ 75.00 (General Laws, Chapter 140, Section 77)
Public Dance $ 5.00 (General Laws, Chapter 140, Section 181)
Radio Alarm System $ 15.00 Initial Application Fee
Yearly License Fee $100.00
Second Hand Furniture $ 20.00 (General Laws, Chapter 140, Section 54)
Signs and Awnings $ 10.00 (General Laws, Chapter 85, Section 8)
9-3.2 No original license shall be granted hereunder until a public hearing is held by the Municipal Council, notice of the time and place of publication in a newspaper of general circulation in the city and by which shall have been given at least seven days prior thereto by registered mail to all owners of real estate abutting or directly opposite the premises for which said license is sought. The cost of all such notices shall be paid by the applicant for the license.

9-3.3 Any license granted hereunder shall expire on December 31 of each year. Each such license shall specify the street and number of the premises where said amusement device is to be kept or offered for operation, shall not specify more than one premises at one time, and shall include only one type of amusement device.

9-3.4 The provisions of this ordinance shall not apply to amusement devices kept or maintained by religious or charitable societies and organizations in aid to religious or charitable purposes.

9-3.5 (amended 5/18/10) Coin and Token Operated automated amusement devices, including but not limited to video arcade games, jukeboxes, coin-operated pool tables, pinball machines, skeeball games, simulated sports games, electronic gun or target games, simulated driving or facing games, etc. are exempt from Sunday Licensing Requirements.

9-3.6 Sunday Licensing Fees and Non-Profit Organizations (amended 11/1/11)

a. The categories requiring a Sunday license are as follows:
   - Dancing
   - Non coin or token operated Amusement Rides
   - Flea Market, etc. (needs Sunday license only if admission is charged)
   - Miniature Golf
   - Live Entertainment
   - Fairs

b. That Sunday licensing fees are not charged to registered, non-profit and registered, not-for-profit groups or organizations

The Sunday license is issued by the Mayor.

9-3.7 The fee for such license shall be established by ordinance.

Section 9-4 Amusement Arcade

9-4.1 No amusement arcade shall be kept, maintained or operated in the City of Attleboro unless a license has been granted. The term "amusement arcade" as used in this ordinance shall mean any premises wherein over 50% of the floor space available to the public is reserved for mechanical or electronic devices, furnishing amusement upon a deposit of money, or five or more such amusement devices are installed. For the purposes of this ordinance, such amusement device shall be considered to require space equal to 200% of the actual floor space covered by said device.

9-4.2 No license shall be granted or renewed hereunder until a public hearing is held by the Municipal Council, notice of the time and place of which shall have been given at least seven days prior thereto by publication in a newspaper of general circulation in the city. The cost of such notice shall be paid by the applicant for the license.

9-4.3 Any license granted hereunder shall expire on December 31 of each year.

9-4.4 (deleted 5/18/10)

9-4.5 The fee for such license shall be established by ordinance.

Section 9-5 Public Entertainment (Amended 6/7/94)

9-5.1 No public entertainment, including but not limited to a carnival, circus, carousel, ferris wheel, theatrical exhibition, public show or public dance, to which admission is obtained upon payment of money or upon the delivery of any valuable thing, shall be held in the City of Attleboro unless a license has been granted. Each such license shall state the date and place where such public entertainment will take place and the hours of starting and finishing, and no such activity shall be held on Sunday without a Sunday license. Applicants who will conduct such Public Entertainment where they also have an alcoholic beverage or other license issued by the Board of Licenses will make application to the Board of Licenses. This ordinance shall be effective upon adoption.

(updated 8/20/2020)
9-5.2 No such license shall be required for public entertainment by religious societies in the usual place of worship for a religious or charitable purpose, or for entertainment given in school buildings by or for the benefit of the pupils thereof and under the supervision of the principal or teacher in charge of the school classes, or for entertainment given in a private dwelling except in apartments thereof having a seating capacity of four hundred or more, or to enterprises required to be licensed under General Laws Chapter 140, Section 183A.

9-5.3 No license shall be issued hereunder for a traveling carnival, circus or other such traveling amusement which does not have its principle place of business within the Commonwealth unless the licensee certifies that he has provided by insurance for the payment of compensation and the furnishing of other benefits under General Laws Chapter 152, as amended, to all persons to be employed by said licensee, and that such insurance shall continue in full force and effect during the term of the license, and unless the licensee further certifies that he has obtained a policy of public liability insurance in the amount of at least twenty-five thousand dollars to pay any claims or judgments rendered against the licensee in favor of patrons or others to recover damages resulting from the negligence of the licensee.

Section 9-6 Fireworks Display

No fireworks shall be used for the purpose of celebration and display unless a permit has been granted by the Fire Chief.

Section 9-7 Public Street Speaking

9-7.1 No political rally, religious meeting, speech or lecture shall be held or delivered in any public square, street or way unless a permit therefor has been granted by the Mayor and recorded by the City Clerk. The Police Chief shall be notified of any such permit.

9-7.2 Said permit shall state the time and place where such activity will be held, and shall be shown to any police officer upon his request. Said permit may be revoked at once by the Police Chief, or in his absence, the Acting Chief, if in his judgment the safety and welfare of the City demand it.

9-7.3 The fee for such permit shall be established by ordinance.

Section 9-8 Sports on Sunday

9-8.1 No sports or games for which a fee or charge is made for admission shall be held on privately owned property in the City of Attleboro on Sunday unless a license has been granted by the Mayor and recorded by the City Clerk. Such license shall state the date and place where such sports or games shall be held.

9-8.2 No license shall permit any temporary seats or other obstruction of any kind or nature in any aisle, stairway or passageway of any grandstand, bleachers, or other structure on said premises, no allow any person thereon or therein to remain in any aisle, stairway, or passageway during the playing of any sport or game on said premises.

9-8.3 The licensee shall permit any police officer detailed by the Police Department to enter and inspect said premises at all time and shall employ such number of uniformed police officers to preserve order on said premises as the Police Chief may require. The licensee shall be responsible for the cost of such police officers.

9-8.4 The licensee shall permit at all time to enter and be about said premises such members of the Fire Department as shall be detailed by the Fire Chief to guard against fire; shall keep in good condition so as to be easily accessible such standpipes, hose, waterpails, axes, extinguishers, and other apparatus as the Fire Chief may require; and shall allow members of the Fire Department in case of fire on said premises to exercise exclusive control and direction of all employees and of all means and apparatus for the extinguishing of fire therein.

9-8.5 The fee for such license shall be established by ordinance.

Section 9-9 Bus

9-9.1 No bus shall be operated upon any public street or way in the City of Attleboro unless a license has been granted. The term "bus" as used in this ordinance shall mean any motor vehicle that transports, receives and discharges passengers for hire over a fixed route.
9-9.2 Every such license shall state the name of the person or entity licenses and his place of business, a brief description of the motor vehicle, the number of persons, exclusive of the operator, which the motor vehicle may carry. No such license shall be issued for the operation of any motor vehicle which has a chassis weighing less than twenty-five hundred pounds stripped or which has a capacity for seating less than sixteen persons, including the operator, nor shall any such license allow the carrying in any vehicle of more than twenty-five persons in excess of its seating capacity.

9-9.3 Every such license shall specify the route over which a vehicle may be operated, and no such vehicle while employed in said business shall on any trip be operated over less than said entire route. The Municipal Council may at any time change any such route or transfer any licensee from one route to another.

9-9.4 No motor vehicle operated under such license shall be allowed to stand to wait for passengers in any street, square or public place, except on such portions thereof and during such hours as are designated therefor by the Police Chief with the approval of the Municipal Council. Any location for a public bus shelter, whether placed by a private company or public authority, shall be subject to the approval of the Municipal Council.

9-9.5 No such motor vehicle shall be stopped to take on or discharge passengers at any place on any street except at the curb; nor shall any passenger be permitted to enter or leave the vehicle except from the side nearest the curb.

9-9.6 The owners and operators of all motor vehicles operated under the provisions of this ordinance shall be subject to such further orders and regulations as may from time to time be promulgated by the Municipal Council.

9-9.7 The fee for such license shall be established by ordinance.

9-9.8 Whoever violates any of the provisions of this ordinance or any rule, order or regulation adopted and published by the Municipal Council relating to said business shall be punished by a fine not to exceed one hundred ($100.00) dollars.

Section 9-10 Express Transportation

9-10.1 No motor vehicle shall be operated upon any public street or way in the City of Attleboro for the transportation of property for hire unless a license has been granted.

9-10.2 Every such license shall state the name of the person or entity licensed, his business address and a brief description of the motor vehicles to be operated. The City Clerk shall assign a number to each license and keep a record thereof.

9-10.3 Every motor vehicle to be operated under the license shall have the number of the license attached to or painted upon the outside of the motor vehicle in a conspicuous place in figures at least two (2") inches in height.

9-10.4 Any license granted under this ordinance may be suspended by the Mayor without a hearing for any period not exceeding 30 days, a report of which shall be made to the Municipal Council at its next regular or special meeting. Any license so granted may be revoked by the Municipal Council, after a hearing for violation of any law, or of this ordinance or for any other cause if the council deems such revocation to be in the public interest. At least three days' notice of such herein shall be given. In case of such suspension or revocation the license fee shall not be rebated.

9-10.5 The fee for such licenses shall be established by ordinance and a single fee shall cover all vehicles owned by a licensee.

Section 9-11 Hackney Carriage (Taxi)

9-11.1 No hackney carriage shall be operated upon any public street or way in the City of Attleboro unless a license has been granted. The term "Hackney Carriage" as used in this ordinance shall mean any motor vehicle that transports, receives and discharges passengers for hire; said motor vehicle not having a fixed route like a bus.

9-11.2 Each application for a license shall state the name and address of any person or persons having any interest, financial or otherwise, in the business to be conducted under the license. If the applicant is a single proprietorship or a partnership, the name and address of the owner or each partner shall be stated. If the applicant is a corporation, the name and address of the President, Vice-President, Clerk and Treasurer shall be stated.

9-11.3 The licensee shall notify the City Clerk immediately of any change in ownership of officers of the licensee. No license shall be sold or transferred without the approval of the Municipal Council.

(updated 8/20/2020)
9-11.4 Every other vehicle to be operated under the license shall have the number assigned to the vehicle attached to or painted upon the outside of the motor vehicle in a conspicuous place in figures at least two (2") inches in height.

9-11.5 No fare shall be charged unless a rate schedule has been approved by the Municipal Council. Said rate schedule shall be kept on file in the office of the City Clerk.

9-11.6 No hackney carriage shall be left unattended at any time upon any public street or way. The driver of said hackney carriage must remain with his hackney carriage at all times while on duty, except to leave the same in the performance of his duty.

9-11.7 No hackney carriage shall be operated unless a copy of the hackney carriage operator's license, along with a photograph of the operator, and a copy of the rate schedule approved by the Municipal Council are displayed in the vehicle.

9-11.8 The Police Chief, with the approval of the Municipal Council may establish a maximum of five stands of two spaces each for parking hackney carriages on a public way in the First Fire District.

9-11.9 Any violation of the Rules and Regulations of this ordinance or any false statements made on a license application shall be cause to revoke the license.

9-11.10 The fee for such license shall be established by ordinance.

Section 9-12 Hackney Carriage Operator's License. (Amended 12/3/13)

9-12.1 No person shall operate a hackney carriage upon any public street or way in the City of Attleboro unless a hackney carriage operator's license has been granted to him. The license application shall be forwarded to the Police Chief by the City Clerk for his review and signature; provided however, that lack of such signature shall not prevent favorable action by the Municipal Council.

9-12.2 A forty-five day temporary, non-renewable hackney carriage operator's license may be issued at the discretion of the Chief of Police pending approval of a permanent license.

9-12.3 No person shall be granted a hackney carriage operator's license unless he holds a license to operate motor vehicles issued by the Commonwealth of Massachusetts, can speak English intelligibly and is deemed a suitable person by the Municipal Council.

9-12.4 No hackney carriage shall be left unattended at any time upon any public street or way. The driver of said hackney carriage must remain with his hackney carriage at all times while on duty, except to leave the same in the performance of his duty.

9-12.5 No hackney carriage shall be operated unless a copy of the hackney carriage operator's license, along with a photograph of the operator and a copy of the rate schedule approved by the Municipal Council are displayed in the vehicle.

9-12.6 Any violation of the provisions of this ordinance or any false statements made on the license application shall be cause to revoke the license.

9-12.7 The fee for such license shall be established by ordinance.

9-12.8 All applicants are subject to Chapter 15-6 and require a fingerprint-based criminal record background check before a license is issued.

Section 9-13 Junk (Amended 10/15/13)

A. Junk Automobiles

9-13.1 No junk automobile shall be kept in the open in any area of the City of Attleboro by the owner of the vehicle or by the owner or one in control of the premises wherein such vehicle is kept unless a license has been granted in accordance with the procedure hereinafter described. For the purpose of this ordinance, a junk automobile shall be any motor vehicle which is wrecked, scrapped, worn out, cast off, or discarded and which is ready for dismantling or destruction or which has been
collected or stored for salvage or for stripping in order to make use of parts thereof. Any parts from such a vehicle shall be considered a junk automobile under this ordinance.

9-13.2 Any person holding a Class 3 license under the provisions of General Laws Chapter 140, Section 58, as amended, is exempt from the provisions of this ordinance.

9-13.3 A license to keep no more than one (1) such junk automobile may be issued by the Police Chief unless he determines that the keeping of the same will create a hazard to the public safety, or will become a public nuisance. Such license shall be issued for a period of one (1) year. The refusal of the Police Chief to issue any such license may be appealed to the Municipal Council in the manner provided in Section 9-13.4 hereof.

9-13.4 A license to keep more than one (1) such junk automobile may be issued by the Municipal Council. Application for such license shall be made to the Municipal Council which shall hold a public hearing thereon. Notice of such hearing shall be published in the local newspaper at least five (5) days before the hearing date. The cost of such publication shall be paid by the applicant. Following the hearing, the Municipal Council may issue a license upon such conditions as it deems proper for a period of one (1) year unless it finds that the keeping of the junk automobiles will create a hazard to the public safety or will become a public nuisance. Renewals of said license shall be processed in the same manner as the original license.

Any person who is denied a license by the Police Chief under Section 9-13.3 above may appeal such denial to the Municipal Council within twenty (20) days of the date of the denial. The Municipal Council will hold a public hearing on such appeal, after giving notice of the hearing in the same manner as the original license.

9-13.5 Upon the filing with the Municipal Council of a petition signed by at least ten (10) registered voters of the City of Attleboro asking for a revocation of any license issued under this ordinance, the Municipal Council shall hold a public hearing to review the conduct of the licensee. If the Municipal Council determines that the operation of the licensee under said license is such as to depreciate the property values in the area, create a hazard to the public safety, or constitute a public nuisance, it may by majority vote to revoke the license. The effective date of such revocation shall be thirty (30) days after the vote of revocation.

9-13.6 Vehicle identification numbers shall be used wherever possible to identify junk automobiles licensed under this ordinance.

9-13.7 Any person or entity who violates this ordinance shall be liable to a fine of twenty five ($25.00) dollars on the first day of said violation, fifty ($50.00) dollars the second day of said violation, one hundred ($100.00) dollars the third day of violation, and two hundred ($200.00) dollars for each day thereafter that the violation continues. Such penalty shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

This ordinance shall become effective on June 1, 1994.

B. Outdoor Storage of Junk Boats, Recreational Vehicles, and Miscellaneous Items

9–13.1 The outdoor storage of junk boats, boat trailers, automobile or truck utility trailers, construction equipment, campers, sundry recreational vehicles and equipment such as but not limited to canoes, kayaks, and jet skis, abandoned/disassembled/inoperable or wrecked tractors, or any other junk items such as truck bodies, wreckage, scrap, rubble, debris, propane tanks, or gasoline cans (or similar products) in any area of the City of Attleboro by the owner of the item or by the owner or one in control of the premises shall be subject to the requirements of this section.

9–13.2 For purposes of this section, junk shall be defined as being any item within the range of items cited in §9–13.1(B) Outdoor Storage of Junk Boats, Recreational Vehicles, and Miscellaneous Items that is wrecked, scrapped, worn out, cast off, or discarded and which is ready for dismantling or destruction or which has been collected and stored for salvage or for stripping in order to make use of the parts thereof. Any parts from any such item shall be considered junk under this section.

9–13.3 Such items shall be either removed from the property or suitably screened from view. Suitable screening shall mean, at a minimum, that the item has been moved to a portion of the property that is not within any of the minimum yard setback requirements established in the underlying zoning district and is, furthermore, sufficiently screened from the general public’s view by use of attractive landscaping including but not limited to arborvitae, trees, shrubbery, or other vertical vegetation, as
well as attractive manmade materials such as an earthen berm, fence, or wall, or any combination of landscaping and manmade materials.

9–13.4  a. The Police Chief, or his designee, shall issue a written Notice of Violation to any person who violates the provisions of this section. Such Notice of Violation shall require abatement of the violation pursuant to §9–13.3(B) within thirty (30) days after service. If the Notice of Violation is not complied with within thirty (30) days after service, a penalty of twenty-five ($25.00) dollars shall be immediately imposed for the first offense. Each day, and portion thereof, of continuing violation that exists after the lapse of the thirty (30) days shall constitute a separate offense until such time the violation is abated. A penalty of fifty ($50.00) dollars shall be immediately imposed for the second offense and for each subsequent offense thereafter. Each day, and portion thereof, of continuing violation that exists after the lapse of the thirty (30) days shall constitute a separate offense until such time the violation is abated.

b. The provisions of this section may be enforced and administered pursuant to the provisions of MGL Ch 40, §21D for the use of non–criminal disposition of violations. The matters described in this section are declared public nuisances; and, notwithstanding any other language contained in the Revised Ordinances of the City of Attleboro, as amended, the City preserves all rights to enforce the provisions of this section and subsection and the penalties of this section and subsection including, but not limited to, filing a civil action for enforcement, a non–criminal disposition, or criminal action to alleviate such public nuisances.

9–13.5  If any provision(s) of this section or subsections shall be held invalid, the validity of the remainder of the section or subsections 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.

Section 9-14 Hawkers, Peddlers and Selling Agents (Amended 12/3/13)

9-14.1: No hawker, peddler, or selling agent shall operate in the City of Attleboro unless a license has been signed by the Police Chief and issued by the Clerk, regardless of whether said applicant has been issued a state license.

the terms "Hawker and Peddler" as used in this ordinance shall mean and include any person, either principal or agent, who goes from place to place in the City of Attleboro selling, bartering or exposing therefore any goods, wares or merchandise, either on foot, on or from any animal, or vehicle whether on public or private property. Those operating on private property shall provide written permission from the property owner. the term "Selling Agent" for the purposes of this ordinance shall mean and include those persons both principals and agents who go from place to place, utilizing public ways in the City of Attleboro, selling or seeking to sell by sample, lists, catalogues or otherwise.

9-14.2: The provision of this ordinance shall not apply to hawkers and peddlers who under Section 17 of Chapter 101 of the General Laws are not required to be licensed, to hawkers and peddlers of fish, fruit or vegetables, licensed under Article 9-15, and to manufacturers, wholesalers or jobbers selling to dealers only nor to such persons who solicit subscriptions or orders for religious or charitable publications, or contributions for religious or charitable purposes.

9-14.3: An application for a license shall be filed with the Police Chief. Said application shall be signed by the applicant under the penalty of perjury and contain the following information:

a. The full name of the applicant.
b. The home address of the applicant.
c. The business address of the applicant.
d. Whether the applicant is acting as principal or agent, and if as agent the business address of his principal.
e. The value, nature and kind of goods, wares, or merchandise dealt in, or the name of the publication for which subscriptions are to be solicited.
f. The period of time during which the applicant intends to operate in the City of Attleboro.

9-14.4: No licensee shall operate in the City of Attleboro before 9:00 A.M. or after 7:00 P.M.

9-14.5: The issuance of a license to a hawker, peddler, or selling agent, under this ordinance shall in no way be construed as an approval by the City of Attleboro of the product, goods or publications of the licensee, nor shall it be construed as a guarantee of the truth or reliability of the representations made by such hawker, peddler or selling agent.
9-14.6: This ordinance undertakes to impose no burdens upon licenses additional to those imposed by the commonwealth of Massachusetts and of the United States but is intended as a salutary regulation for the benefit of householder, consumer, shopkeeper, and licensee to facilitate proper identification of the licensee, it being a legitimate public purpose to prevent fraud and imposition and to minimize visual clutter caused by said licenses.

9-14.7: Any hawker or peddler who sells frozen desserts on or from a motor vehicle shall equip said vehicle with the appropriate warning lights as described in section 16A of Chapter 101 of the General Laws.

9-14.8: Any hawker or peddler shall be allowed to stop upon the public ways for the purpose of immediate sale of goods, wares or merchandise. This license does not permit the license holder to remain stationary on a public way for the purpose of soliciting the sales of goods, wares or merchandise.

9-14.9: No hawker, peddler, or selling agent shall be allowed to stop or park or in any way sell any goods, wares, or merchandise upon public ways within a school zone, defined as 1,500 feet from any side of the school building, between the hours of 9:00 A.M. and 3:30 P.M. on any day when school is in session.

9-14.10: All hawkers, peddlers, and selling agents shall be subject to local rules and regulations, including zoning regulations. All hawkers, peddlers, and selling agents of food must also obtain a license from the Attleboro Health Department and abide by that department's regulations.

Section 9-14.11 Non-Criminal Disposition of Violations
Notwithstanding the provisions of this section, no license shall be issued to any person or wells, bar ters, or exposes therefore any goods, wares, or merchandise having a retail value of more than Three Hundred Dollars ($300.00). Whoever violates this provision of this ordinance or any rule, order or regulations adopted and published by the Municipal Council relating to said business shall be punished by a fine not to exceed Three Hundred Dollars ($300.00), with each day of violation constituting a separate offense.

The City of Attleboro shall also have the right to pursue against any violator of the provisions of Section 9-14, all legal remedies available to it both at law and equity, including but not limited to, injunctions and civil actions.

Section 9-14.12 Criminal Disposition of Violations

a. If any person notified to appear before the Magistrate of the Attleboro District Court fails to appear and pay the fine provided under Section 9-14.11 of these ordinances or, having appeared desires not to avail himself of the procedure provided under Section 1-5.2 for the non-criminal disposition of the case, the Magistrate of Court shall notify the officer concerned, who shall forthwith make a criminal complaint.

b. If any person fails to appear in accordance with the summons issued upon such complaint, the Magistrate of Court shall send such person, by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one (21) days from the sending of such notice, the court shall issue a warrant for his arrest.

c. If, after an officer delivers a notice to an offender, the offender continues to violate the provision of Section 9-14, an officer authorized to serve criminal process, who observes such willful continuing violation may arrest such violator without a warrant, and such violator shall be punished pursuant to Section 9-14-11.

Section 9-14.13 All applicants are subject to Section 15-6, and require a fingerprint-based criminal record background check before a license is issued.

Section 9-15 Hawkers and Peddlers of Fish, Fruit or Vegetables

9-15.1 No hawker or peddler of fish, fruit or vegetables shall operate in the City of Attleboro unless a license has been granted by the Sealer of Weights and Measures and approved by the Mayor. No license shall be issued until all the weights, scales and measures used by the applicant have been tested and sealed according to law.

9-15.2 The provisions of this ordinance relating to hawkers and peddlers shall not apply to manufacturers, wholesalers or jobbers selling to dealers only, nor to any person who peddles only fish obtained by his own labor or that of his family, or
fruits, vegetables or farm products raised or produced by himself or his family, nor to persons selling articles for charitable purposes under Section 33 of Chapter 101 of the General Laws.

9-15.3 The Sealer of Weights and Measures, upon approval by the Mayor, may grant such license to minors upon petition of the parents or guardians of such minors, accompanied by the written approval of the Superintendent of Schools. The Superintendent of Schools may recommend the hours within which said minor shall be allowed to hawk or peddle.

9-15.4 No licensee shall operate in the City of Attleboro before 9:00 a.m. or after 5:00 p.m.

9-15.5 The fee for such license shall be established by ordinance.

Section 9-16 Ring Bell for the Purpose of Selling (Amended 12/3/13)

9-16.1 No bell, horn or other instrument, sound, truck, or boisterous outcry shall be used or uttered in any public street in the City of Attleboro for the purpose of giving notice of any business or calling, or to call attention to the purpose of making sales of any article, unless a license has been granted.

9-16.2 Any gong or bell to be used shall be of a different tone and construction from the gongs or bells used by the Fire Department.

9-16.3 All applicants are subject to Chapter 15-6 and require a fingerprint-based criminal record background check before a license is issued.

Section 9-17 Distribute Advertisements

No person shall distribute circulars, advertisements, or other similar papers in the City of Attleboro unless a permit has been granted by the Mayor.

Section 9-18 Soliciting Funds

No funds shall be solicited for any charitable or other purpose in any street, sidewalk or other public place in the City of Attleboro by the sale of tags, flowers or other articles, or in any other manner unless a license has been granted.

Section 9-19 Playing Musical Instruments

No person shall play or perform on any musical instrument in any street or public place within the City between the hours of 9:30 p.m. and 6:00 a.m. nor on Sundays, except upon the written permit of the Police Chief or other officer in charge of the Police Department. The words "Musical Instrument" herein shall be construed to include a drum.

Section 9-20 Keeping A Stand In A Public Place

9-20.1 No person shall keep, place, use or maintain any stand, table, stall, booth, wagon, team, handcart, motor vehicle, platform or structure of any kind (hereinafter described as keeping a stand) in, on or within any street, way, public place, square or sidewalk in the City for display, selling, vending or bartering of commodities, including without being limited to provisions, beverages, articles, goods, wares, merchandise, and food or beverages designed for immediate consumption, unless a license has been granted therefor, which license may be granted on such reasonable terms and conditions as the Municipal Council shall deem proper.

9-20.2 A keeper of a stand as herein defined shall not be deemed to include transient vendors or hawkers and peddlers who are required to be licensed under Massachusetts General Laws, Chapter 101, Sections 1 and 13.

9-20.3 The application for said license shall be on a form prescribed by the Municipal Council and obtained from the City Clerk. The application shall be signed by the applicant under penalty of perjury and shall state the following:

a. The names, with the home residences and business residences, of the owners or parties in whose interest said business is to be conducted.

b. A description of the stand.
c. A description of the locations and a schedule of events or date and times when the stand will be operated.

d. A description of the commodities to be displayed, sold, vended or bartered.

9-20.4 A license issued under this ordinance shall be effective for those dates and times indicated thereon. Such license may be amended by vote of the Municipal Council without additional fee for a period of six months from date of initial approval. Such license shall be revocable anytime by the Municipal Council in any event.

9-20.5 Such license shall state the conditions imposed and the term granted by the Municipal Council. It shall not be sold, transferred or assigned.

9-20.6 The issuance of a license to a keeper of a stand under the section shall in no way be construed either as an approval by the City of the products of the licensee or a guarantee of the licensee's warranties.

9-20.7 No public hearing shall be required under this section for issuance of a license for keeping a stand, but the Municipal Council may in its discretion hold such a hearing.

9-20.8 The license as issued and as described in Section 9-20.5 shall be conspicuously displayed at the stand at all times.

9-20.9 The fee for such license shall be established by ordinance. Said fee shall be waived for charitable, religious or non-profit organizations.

Section 9-21 Scrap Metals Recycler/Junk Dealer License (amended 2/20/14)

9-21.1 Definitions

9-21.1a Scrap Metals. For purposes of this ordinance the term “Scrap Metals” shall be defined as including all ferrous and non-ferrous metals, including, but not limited to, copper, copper alloy, bronze and aluminum, not including aluminum beverage containers.

9-21.1b Junk. For the purposes of this ordinance the term "Junk" shall be defined as including all collected junk, old metal with limited economic value, rags, paper or second-hand articles; excluding old gold and antique furniture.

9-21.1c Scrap Metals Recycler. For purposes of this ordinance the term “Scrap Metals Recycler” means any person, firm or corporation in the city engaged in the business of paying for regulated metals that have served their original economic purposes, whether or not engaged in the business of performing the manufacturing process by which metals are converted into raw materials products consisting of prepared grades and having an existing or potential economic value.

9-21.1d Junk Dealer. For purposes of this ordinance the term “Junk Dealer” shall mean any person, firm, or corporation in the city engaged in the business of paying for or selling Junk, old metal, rags, paper or second-hand articles; excluding old gold and antique furniture.

9-21.2 Requirement for License. No person, including a Scrap Metals Recycler, salvage yard operator, Junk Dealer or second hand dealer, shall engage in the business of purchasing, selling, bartering or dealing any Junk, Scrap Metals or any articles containing those metals, from the general public for the purpose of reselling or recycling the Junk or Scrap Metals without first obtaining a license from the municipal council. No applicant shall be granted a Scrap Metals Recycler license, or Junk Dealers license unless the applicant is determined to be a suitable person, of proven character and reputation such as to suggest that the applicant will operate the business in conformity with the requirements of this ordinance. Each such license shall be signed by the Police Chief.

9-21.3 License Details. Every applicant for a Scrap Metal Recycler license or Junk Dealers license, shall provide the name, address, phone number and email address of all persons having an interest in the license. In the case of a publicly-traded corporation, the applicant shall provide the name, address, phone number and email address of the designated individual having general oversight or management responsibility for the business operation. The keeper of a shop shall display his license in some conspicuous place in his shop. Each motor vehicle to be operated under the license shall have the number of the license attached to or painted upon the outside in a conspicuous place in figures at least two (2") inches in height.


(updated 8/20/2020)

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(a) Every person licensed under this ordinance shall require the seller of any goods or merchandise to present a valid motor vehicle operator’s license containing his or her photograph or other such suitable identification containing his or her photograph. (Passport, Military, State or Federal Identification).

(b) For each sale, the licensee shall obtain and record the following information: the vehicle make, model, color, and registration of the seller.

(c) The licensee shall photograph the vehicle the seller uses to transport and the goods or merchandise being sold, so as to obtain a visual record of the general character and appearance of the goods or merchandise.

(d) The licensee shall maintain a record of the same, together with any other records required by law.

(e) Every seller shall sign a statement stating that the seller is the legal owner of the property, or is the agent of the owner authorized to sell the property.

(f) Records of such sales shall be maintained by the licensee for a minimum of two (2) years.

9-21.5 Records of transactions required – Reports to Police. The licensee shall, upon request of the police, provide a report of all transactions including the type and quantity of materials purchased, the seller’s name, address, driver’s license number and state of issuance, date of birth, vehicle registration number, vehicle make and model and color. Such report shall be either written or electronic format as determined by the Police Chief or his or her designee. Such reports shall be provided no more frequently than once per day. Said licensee shall also respond fully and cooperatively to any inquiries for additional information from the police, including the opportunity to examine the licensee’s records relating to specific purchases, and to view any materials on site.

9-21.6 Holding Period for Property acquired by Licensee. Every licensee shall hold for a minimum of twenty-four hours, and shall notify immediately the police department of the following property purchased or received consisting of brass, bronze, copper, cast iron, stainless steel, and/or wrought iron:

(a) Statutes and sculptures;
(b) Weather vanes;
(c) Down spouts;
(d) Handrails;
(e) Decorative fencing;
(f) Grave markers, sculptures, plaques and vases, the appearance of which suggest that the articles have been obtained from a cemetery;
(g) Manhole covers;
(h) Beer kegs; and
(i) Contractor’s, builders or mechanic’s type tools. During such holding period, such property shall be kept separate and distinct and shall not be disfigured or treated in any manner to alter or destroy its identity. The Chief of Police or his or her designee may issue an annual waiver for the 9-21.6 as long as 9-21.4 and 9-21.5 are maintained by the Licensee.

9-21.7 Enforcement. This ordinance shall be monitored and enforced by the Attleboro Police Department. Violations of any part of this ordinance shall be punished by a fine of $300.00 for each offense pursuant to M.G.L. Chapter 40 Section 21. Additionally, the City may seek equitable relief in Superior Court for any violation of this ordinance.

9-21.8 The fee for such license shall be established by ordinance.

Section 9-22 Fumigation

9-22.1 No fumigation shall be carried out in the City of Attleboro by any person unless a permit therefor has been granted by the Health Officer. The term "fumigation" as used in this ordinance shall mean the use of any substance which by itself or in combination with any other substance emits or liberates a gas, fume or vapor used for the destruction or control of insects, fungi, vermin, rodents or other pests, excluding insecticides and disinfectants which are essentially effective in the solid or liquid state.

9-22.2 This ordinance shall not apply to fumigation of greenhouses, mushroom houses, horticultural and farm fumigations, commercial fumigation vaults approved by the Health Officer, or to control burrowing animals outside of buildings.

(updated 8/20/2020)
9-22.3 Applications shall be made to the Health Officer and shall state the name, address of the fumigator, address of the premises to be fumigated, reason for fumigation, type of gas to be used, type of environment of structure to be fumigated, date and time of fumigation, and measures to be taken to safeguard the public. No permit shall be issued unless the Health Officer is satisfied that the applicant is qualified by education, training and experience in the use of poisonous gases and fumigating techniques.

9-22.4 Immediately upon issuance of a permit, the Health Officer shall notify the police and fire departments giving particulars as to location of premises to be fumigated, date and time of fumigation, and the name and address of the fumigator.

9-22.5 All members of the fumigating crew must be equipped with serviceable masks of a type approved by the U.S. Bureau of Mines, with correct canister for the type of gas used, and shall wear such mask while in the enclosed space during and after liberation of gas, and until ventilation is completed. The fumigator shall be equipped with antidotes appropriate to the type of gas used.

9-22.6 Before liberation of gas, and until ventilation is completed, warning signs shall be posted at all entrances. Such signs shall be not less than 10" x 12", with lettering in a 2" block print, in red or contrasting colors; shall display skull-and-crossbones and the words “danger” and “poison gas” also the type of gas and the name, address and telephone number of the fumigator. All accessible doors, windows, or other means of ingress shall be locked, secured, or barricaded.

9-22.7 No person shall be permitted to re-enter the fumigated premises until the fumigator shall have ascertained by personal inspection without gas mask, that the building is safe for occupancy.

9-22.8 The Health Officer may make such other rules and regulations as may be necessary for the protection of human life.

Section 9-23 Disturbing Public Ways and Other Areas

This Section was moved to Chapter 16 Public Works Section 16-6, by Council Vote, 7/18/91.

Section 9-24 Move Buildings

This Section was moved to Chapter 16 Public Works Section 16-8, By Council Vote, 7/18/91.

Section 9-25 Projecting Signs

9-25.1 No signs, advertising devices, clocks, marquees, permanent awnings or other like structures shall project into, or be placed on or over any public street or sidewalk in the City of Attleboro except within the First Fire District if a license has been granted by the Inspector of Buildings. This ordinance shall not apply to traffic control signs, projections of less than twelve inches, or to poles, wires, conduits and appurtenances of railroad, telegraph and telephone, water, gas, electric light and heat and power companies.

9-25.2 Applications for such a license within the First Fire District shall be made to the Inspector of Buildings who may grant the same on such conditions as he deems appropriate. The application shall contain a plan showing the size of the proposed structure and its relation to and distance from the abutting property. All such structures shall be constructed and, when attached to a building, shall be connected therewith in a manner approved by the Inspector of Buildings.

9-25.3 The Inspector of Buildings shall inspect all such structures at least once each year and investigate all violations of this ordinance which comes to his notice. Any and all licenses may be revoked by the Inspector of Buildings for any cause.

9-25.4 The fee for such license shall be established by ordinance.

9-25.5 The penalty shall not exceed $20.00 for each day during which any such structure is placed or maintained contrary to this ordinance after five days notice to remove the same has been given by the Inspector of Buildings.

Section 9-26 Areas and Vaults Under Streets and Sidewalks

9-26.1 No vault or space for light and air or for storage of coal, merchandise or other articles shall be constructed or maintained under the surface of any street unless a license therefore has been granted.
9-26.2 No license shall be granted unless the city shall be indemnified in an amount and manner satisfactory to the City Treasurer, against all loss, cost or expense it may suffer by reason of the construction and maintenance of the space or vault.

9-26.3 The license shall contain the dimensions and location of the proposed structure and may contain restrictions and conditions as to its materials and methods of construction. Nothing herein shall relieve the person, firm or corporation owning or constructing the same from full responsibility for its proper construction.

9-26.4 Whoever obtains such license shall, during the entire progress of the work of excavation and construction authorize thereby, cause the street or sidewalk to be guarded by suitable fences and properly lighted at night, and on completion of such work shall restore and reconstruct to the satisfaction of the Superintendent of Public Works so much of the surface of such street or sidewalk as shall have been disturbed thereby.

9-26.5 The Superintendent of Public Works and Inspector of Buildings shall semi-annually inspect all such areas and vaults now maintained and hereafter constructed, and see that they are properly maintained, and shall immediately report their findings to the Municipal Council.

9-26.6 Whenever all or any part of the space occupied for such structure shall be needed for laying sewer or water pipes, or for any other public purpose, the person or corporation maintaining such structure, shall, without expense to the City, remove the same, or make such alterations therein as may be required by the Mayor and Municipal Council, and shall in no event be entitled to damage or compensation therefor.

9-26.7 No easement shall be acquired in any street by the maintenance of any structure or structures permitted under the provisions of this section, however long the same may be continued, and the privilege so exercised shall at all times be subject to the rights of the public.

Section 9-27 Storage of Flammables

9-27.1 No flammable fluids, solids, or gases shall be kept or stored anywhere within the City of Attleboro except in accordance with the applicable provisions of General Laws Chapter 148 and the Code of Massachusetts Regulations Chapter 527 (Board of Fire Prevention).

9-27.2 A permit from the Fire Chief shall be required for the storage for domestic use only of any volatile flammable (in an approved safety can) in an amount exceeding one quart and of any non-volatile flammable in an amount exceeding ten gallons in any part of any building used for habitation. A permit from the Fire Chief shall be required for the storage for domestic use only of any volatile flammable (in an approved safety can) in an amount exceeding one gallon and of any non-volatile flammable in an amount exceeding thirty gallons, except in the tank of an automobile or motor boat or stationary engine, within fifty feet of any building used for habitation. The Fire Chief may prescribe such terms and conditions for said permits as he deems necessary.

9-27.3 Storage of flammable fluids, solids or gases for commercial and/or industrial use shall be controlled by the permit and license procedures of General Laws Chapter 148, Section 13, and the Code of Massachusetts Regulations Chapter 527, including the requirement of notice and public hearing.

9-27.4 The owner or occupant of land licensed under the provisions of General Laws Chapter 138, Section 13, and the holder of any such license shall annually (on or before April 30) file with the City Clerk a Certificate of Registration.

9-27.5 The fee for such licenses, and Certificates of Registration shall be established by ordinance.

Section 9-28 Pole Location

9-28.1 Every location for electric wires granted by the Municipal Council under Chapter 166, Section 22, of the General Laws or any amendments thereof shall be subject to the right of the City of Attleboro, free of charge, to place its fire alarm, police signal, or other electric wires upon the poles or through the conduits licensed by said grant.

9-28.2 Every licensee under such a grant shall file in the Public Works Department a plan and description of its location showing the position of all its property therein. It shall also file amendments thereto, whenever any alteration or extensions are made.
9-28.3 Every licensee, under such a grant shall give the City an agreement in writing or a bond satisfactory to the Mayor, to save the City harmless from all claims for damages, costs, expenses, charges, or compensation for or on account of the installation, repairs, or maintenance of such electric wires, poles, conduits, apparatus or anything connected therewith.

Section 9-29 Radio Alarm System

9-29.1 No person shall install, operate or maintain a radio alarm system without first obtaining a permit from the Fire Chief. The term "radio alarm system" shall mean any mechanism, equipment, or device which is designed to operate automatically through the use of a master radio alarm box to transmit a signal, message, or warning to the Attleboro Fire Department.

9-29.2 Application for permits to install, operate or maintain a radio alarm system shall be filed with the Fire Chief on such forms as he may designate. Said application shall set forth the name, address and telephone number of both the installer of the system and the person or business on whose premises the system will be installed, as well as a description of the system, the location where it will be installed and an individual designated to receive notices.

9-29.3 The permit shall be granted if the Fire Chief finds that:

1. The use of said radio alarm system will not interfere with the orderly conduct of city business.
2. The radio alarm system is compatible with the existing city receiving equipment.
3. The existing city receiving equipment has the capacity to add the applicant's radio alarm system to those already permitted.

9-29.4 The Fire Chief, or his designee, shall have the right to inspect any radio alarm system on the premises where it is installed, prior to issuance of any permit for its operation; and he may further cause an inspection of such system to be made at any time after issuance of a permit to determine whether it is being used in conformity with the terms of the permit and whether it is functioning in its intended manner.

9-29.5 The Attleboro Fire Department shall periodically, upon its own initiative, test each mast radio alarm box portion of a radio alarm system if it is in proper working order. When it is indicated during said periodic inspection that parts should be replaced in said box, parts needed shall be supplied by the City of Attleboro on a consignment basis from an appropriate parts supplier and the cost of said parts shall be paid directly to the supplier by the permit holder. Labor for removing modular parts from said alarm box shall be supplied by the City of Attleboro. All other labor shall be the responsibility of the permit holder.

9-29.6 The Fire Chief may revoke any permit issued under this ordinance, after giving written notice to the permit holder, and an opportunity for the permit holder for a hearing before the Fire Chief, if he determines that the radio alarm system has been installed, maintained or operated in violation of the provisions of this ordinance, or for failure to pay any required fee.

9-29.7 If any permit holder pays the required renewal fee on or before April 30 of each year, said permit shall automatically be renewed for the next succeeding year. The renewal fee shall be established by ordinance. Servicing of the privately owned internal protection systems connected to each master radio alarm box, shall be the sole responsibility of the permit holder. The Attleboro Fire Department shall test each radio alarm system at the request of the permit holder, provided that each such test after the third test performed in any one year shall only be performed upon payment of a test fee of twenty ($20.00) dollars.

9-29.8 The City of Attleboro and its employees assume no liability for any loss or damage occasioned by the testing, failure to test, notice, servicing or repair, or lack thereof, of any radio fire alarm system. Each permit holder, by applying therefor, agrees to indemnify and hold harmless the City of Attleboro and its employees from liability for any such loss or damage.

9-29.9 The fee for such permit shall be established by ordinance.

Section 9-30 Weights and Measures Sealing Fees Amended 4/21/09

<table>
<thead>
<tr>
<th>Scales with a weighing capacity</th>
<th>Fee</th>
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<tbody>
<tr>
<td>of 10,000 lbs. or more</td>
<td>$200.00</td>
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<tr>
<td>of 5,000 - 9,999 lbs:</td>
<td>$100.00</td>
</tr>
<tr>
<td>of 1,000 - 4,999 lbs:</td>
<td>$75.00</td>
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<tr>
<td>of 100 - 999 lbs:</td>
<td>$25.00</td>
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<tr>
<td>of fewer than 100 lbs:</td>
<td>$15.00</td>
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</tbody>
</table>
Liquid capacity measures except vehicle tanks, of the capacity of more than one gallon and measure on pumps: $ 5.00

Each liquid measuring meter, except water meters, the diameter of the inlet pipe which is one-half inch or less $10.00; more than one-half inch but not more than one inch $20.00; for each type of liquid measuring meter, the diameter of the inlet pipe of which is more than one inch, the following shall apply, vehicle tank pump $30.00, vehicle tank gravity $35.00, bulk storage $100.00.

Each machine or other mechanical device used for determining linear or area measurement: $10.00

All weights and other measures: $ 1.00 each.

Each automated electronic retail checkout system with 1 to 4 cash registers, computer terminals, scanners: $100.00

Each automated electronic retail checkout system with 5 to 11 cash registers, computer terminals, scanners: $175.00

Each automated electronic retail checkout system with more than 11 cash registers, computer terminals, and scanners: $275.00

The City shall also receive reasonable compensation for each infraction that requires use of special facilities, necessary repairs, alterations and adjustments made by the Inspector(s) on scales with a weighing capacity of 1 to 10,000 pounds or more, liquid capacity measuring devices, liquid measuring meters, automated electronic retail checkout system aka scanners: $ 25.00 per infraction

Section 9-31 Delinquent Taxpayers (Amended 1/17/95)

9-31.1 Any municipal official responsible for records of municipal taxes, fees, assessments, betterments, liens or any other municipal charge shall furnish quarterly to each Department, Board and Commission that issues, Transfers or renews licenses or permits, and to any other petition-granting authority, a list of any person, corporation or business enterprise that has neglected or refused to pay said municipal charge for any period other than the current fiscal year and does not have a properly pending petition before the appropriate appellate body. This ordinance shall not apply to unpaid charges totaling less than $10.00.

9-31.2 No application for a license, permit or any other petition, including those for renewal or transfer, except as allowed under Article 10 of the Attleboro Home Rule Charter, shall be filed with or sought from any municipal license, permit or petition-granting authority, nor shall any such authority receive or process any such application, until said authority shall certify thereon that the applicant’s name does not appear on any list furnished to said authority under the provisions of Section 9-31.1. For the purposes of securing certification under this section, any payment of outstanding charges shall include not only all charges owed on the premises for which the approval is being sought but all charges listed as being owed by the owner of said property and/or the petitioner.

9-31.3 The license, permit or petition-granting authority may suspend or revoke any license, permit or approval, including transfers and renewals of same, of any party whose name appears on any list furnished to said authority under the provisions of Section 9-31.1; provided however, that said permit-granting authority shall give written notice to the party and the applicable list-generating official and shall hold a public hearing on the matter not sooner than fourteen days after said notice. Said lists shall be primary evidence for suspension or revocation of any license, permit or approval. The applicable list-generating official shall have the right to intervene in any hearing conducted with respect to such suspension or revocation. Any license, permit or approval suspended or revoked under this section shall not be reissued or renewed until the petitioner provides certification from the applicable list-generating official that the party is in good standing with respect to any and all municipal charges as of the date of said certification. All actions under this section shall be filed in accordance with the filing requirements of the original license, permit or approval.

9-31.4 At the discretion of the applicable list-generating official, any petitioner may be given an opportunity to enter into a repayment agreement with respect to said unpaid municipal charges. Thereafter, the Municipal Council, with the approval of the Mayor, may allow the filing of an application for the issuance, transfer or renewal of any requested license, permit or approval. Failure to comply with all terms and conditions of the repayment agreement for a period of more than thirty days
shall be grounds for suspension or revocation of said license, permit or approval, following notice and hearing in compliance with Section 9-31.3.

9-31.5 The Municipal Council, with the approval of the Mayor, may waive any denial, suspension or revocation under this section if it finds that there is no direct or indirect business or personal interest by the listed property owner, its officers or stockholders, if any, or members of the owner’s immediate family, in the business or activity to be conducted on said property and for which said license, permit or approval is sought.

9-31.6 This section shall not apply to permits for open burning, permits for the sale of articles for charitable purposes, dog licenses, fishing, hunting and trapping licenses or marriage licenses.

9-32 Unregistered Motor Vehicles (Amended 12/21/93)

9-32.1 No owner, occupant, or person in control of any premises, or lot or parcel of land, in the City of Attleboro shall have or allow more than one unregistered motor vehicle in the open on said premises or lot or parcel unless a license has been granted in accordance with the procedure hereinafter described.

9-32.2 This ordinance shall not apply to a person or entity duly licenses under the provisions of General Laws Chapter 140, Section 58, as a Class I, Class 2 or Class 3 new or used car dealer in motor vehicles, or to motor vehicles used or operated for farm or dairy purposes or used on premises for other commercial purposes, or to antique motor vehicles as defined under Massachusetts General Laws Chapter 90, Section 1, or to junk automobiles licenses under Section 9-13 of the Revised Ordinances of the City of Attleboro.

9-32.3 A license to keep more than one (1) unregistered motor vehicle may be issued by the Municipal Council. Application for such license, with vehicle identification numbers, shall be made to the Municipal Council which shall hold a public hearing thereon. Notice of such hearing shall be published in the local newspaper five (5) days at least before the hearing date. The cost of such publication shall be paid by the applicant. Following the hearing, the Municipal Council may issue a license upon such conditions as it deems proper for a period of one (1) year unless it finds that the keeping of the unregistered motor vehicles depreciates property values in the area, will create a hazard to the public safety, or will become a public nuisance. Renewals of said license shall be processed in the same manner as the original license.

9-32.4 Upon the filing with the Municipal Council of a petition signed by at least ten (10) registered voters of the City of Attleboro asking for a revocation of any license issued under this ordinance, the Municipal Council shall hold a public hearing to review the conduct of the licensee. If the Municipal Council determines that the operation of the licensee under said license is such as to depreciate the property values in the area, create a hazard to the public safety, or constitute a public nuisance, it may by majority vote to revoke the license. The effective date of such revocation shall be thirty (3) days after the vote of revocation.

9-32.5 Any person or entity who violates this ordinance shall be liable to a fine of twenty-five ($25.00) dollars the first day of said violation, fifty ($50.00) the second day of said violation, one hundred ($100.00) the third day of violation, and two hundred ($200.00) for each day thereafter that the violation continues. Such penalty shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended. This ordinance shall be become effective on June 1, 1994.

Section 9-33 Guard Dogs

9-33.1 No person shall keep a guard dog in a commercial or industrial establishment in the City of Attleboro unless a guard dog license has been granted.

9-33.2 The application for said license shall be on a form prescribed by the Municipal Council and obtained from the City Clerk. The application shall be signed by the applicant under penalty of perjury and shall be submitted along with three (3) copies. The application shall include the following:

a. Location where guard dog(s) will be kept.

b. Number of guard dogs to be kept at this location.

c. Name and address of the person who supplies or controls guard dogs, including telephone number(s) where said person can be reached 24 hours a day.

d. Verification that dogs are individually licensed in accordance with General Laws, Laws, Chapter 140, Section 137.

(updated 8/20/2020)
9-33.3 Upon issuance of said license, the City Clerk shall forward copies of the application to the Fire Chief, the Police Chief, and the Dog Officer, thereby satisfying the provisions of General Laws, Chapter 148, Section 28B.

9-33.4 As a condition of the granting of this license, the applicant shall within 30 days of the issuance of the license post a warning sign near each entrance to be guarded. The warming sign shall state that guard dogs may be on the premises and it shall be readable from a distance of least 15 feet.

9-33.5 The fee for such license shall be established by ordinance.

9-33.6 Whoever violates any provision of this ordinance shall be liable to a fine of one hundred ($100.00) dollars for each such violation, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended. This ordinance shall become effective on February 1, 1994.

Section 9-34 Pawnbrokers  Amended 9/13/07

9-34.1 No pawnbroker shall operate in the City of Attleboro unless a license has been granted by the Municipal Council. The term “pawnbroker” shall mean a person, firm, or corporation who engages in or carries on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property or of purchasing such property on condition of selling it back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender. This requirement for licensing, as a pawnbroker shall not apply to loans made upon stock, bonds, mortgages or other written evidence of ownership of property or of indebtedness to the holder or owner of such securities.

9-34.2 Application for license as a pawnbroker and for the renewal of such license shall be filed with the City Clerk for submission to the Municipal Council for approval or disapproval. The application for the renewal of a license shall be filed with the City Clerk a minimum of thirty days prior to its expiration. All licenses issued shall expire on May first following the date of issue unless sooner revoked.

9-34.3 The application for a license shall state the name and address of any person or persons having any interest, financial or otherwise, in the business to be conducted under the license. If the applicant is a single proprietorship or a partnership, the name and address of the owner or each partner shall be stated. If the applicant is a corporation, the name and address of the President, Vice President, Clerk and Treasurer shall be stated.

9-34.4 The fee for a license as a pawnbroker shall be established by ordinance. The licensee, at the time of receiving such license, shall file with the City Treasurer a bond payable to the City of Attleboro in the sum of three hundred dollars, with two sureties approved by the City Treasurer, as conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

9-34.5 Whoever, not being licensed, carries on the business of a pawnbroker or whoever, being licensed, carries on such business in any other place or manner than that designated in his license or carries on such business, after notice to him that his license has been revoked, shall be punished by a fine of fifty ($50.00) dollars.

9-34.6 Every pawnbroker shall keep a book 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 the articles pawned, the amount of money loaned thereon, the time of pawning them, the rate of interest to be paid on such loan, and the name and resident of the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or oftener if required, to the Municipal Council or to any person designated by it. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.

9-34.7 Licensed pawnbrokers may charge the following rates of interest:
   a. For loans up to and including twenty-five ($25.00) dollars, three (3%) per month;
   b. For loans over twenty-five ($25.00) dollars, three (3%) per month;
   c. No such pawnbroker shall charge or receive any greater rate of interest and the rate shall be determined on the precise sum advanced by the lender;
   d. No pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods.
articles or things pawned with the licensed pawnbroker. (G.L.C. 140, Section 78).

M.G.L. c 140, ss 70 to 85 delegates the licensing of pawnbrokers to cities and towns and requires that cities and towns obtain the Commissioner of Banks’ approval of any locally adopted pawnbroker regulations, including provisions to set maximum interest rates. NO PAWNBROKER MAY LAWFULLY CHARGE AN INTEREST RATE THAT HAS NOT BEEN APPROVED BY THE DIVISION OF BANKS.

9-34.8 Every pawnbroker, shall at the time of making such a loan, deliver to the person who pawns any article a memorandum or note signed by him and containing the substance of the entry required by Section 9-34.6 hereof. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.

9-34.9 The Chief of Police or any police officer authorized by him may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his clerk agent or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories.

9-34.10 A licenses pawnbroker, clerk, agent or other person in charge of such premises who refused to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examinations authorized in Section 9-34.9 hereof, shall be punished by a fine of two hundred ($200.00) dollars.

9-34.11 Articles deposited in pawn with a license pawnbroker shall be retained by the lender on the premises occupied by the pawnbroker for the business for a least four (4) months after the date of deposit. After the expiration of the four (4) month period, the pawnbroker may sell the articles in a commercially reasonable manner, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto demand; provided, that no such sale of any article shall be made unless not less than ten days prior to the sale written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus, addressed to her or his residence, as appearing on the records of such pawnbroker. No article taken in pawn by such pawnbroker exceeding twenty-five ($25.00) dollars in value shall be disposed of otherwise than as here provided, any agreement or contract between the parties thereto to the contrary not withstanding G.L.C. 140, Section 71. Proof of notice by registered mail shall be kept in the records of the pawnbroker for one (1) year after the date of the sale.

9-34.12 All licensed pawnbrokers shall adhere not only to the provisions of this ordinance but to the provisions pertaining to pawnbrokers set forth in Chapter 140, Sections 70 through 83 of the Massachusetts General Laws and to the rules and regulations of the Attleboro Police Department pertaining to pawnbrokers.

9-34.13 Whoever violates any provision of this ordinance shall be punished by a fine of two hundred ($200.00) dollars, except where a lesser fine is imposed herein for any specific violation of the ordinance. The violation of any provision of this ordinance or the making of any false statements on the application for a license shall be cause for the revocation of the license.

9-34.14 The penalties imposed herein for violations of this ordinance shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D as amended.

9-34.15 No pawnbroker shall sell, rent, or lease firearms, rifles, shotguns or machine guns. A pawnbroker who loans money secured by deposit or pledge or a firearm, rifle, shotgun, or machine gun, shall be punished, in accordance with the provisions of General Laws, Chapter 140, Section 131B, by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one (1) years, or by both.

Section 9-35 Dog Control General Provisions (amended 3/18/14, 12/17/19)

This ordinance is adopted pursuant to the provisions of Chapter 140, Section173 of the General Laws for regulating dogs. The provisions of Chapter 140, Sections 136A through 174F of the General Laws, inclusive, except as modified herein, are incorporated into this ordinance by reference.

Section 9-35-1 Definitions

Adoption: The delivery of a dog to any person 18 years of age or older for the purpose of taking care of the dog as a pet.
Animal Control Officer: The person or persons appointed by the Mayor annually on February first to perform the duties prescribed for the position by this ordinance and by the applicable provisions of Chapter 140 of the General Laws is authorized to enforce Sections 136A to 174F of the General Laws, inclusive.

Animal Shelter: The premises designated by the City as its animal shelter, the purposes of which shall include the impounding of dogs under the authority of this ordinance or state law for care, confinement, return to owner, adoption or euthanasia.

Attack: Aggressive physical contact initiated by an animal.

At Large: Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

Commercial Boarding or Training Kennel: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment where such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129 of the General Laws, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Commercial Breeder Kennel: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.

Dangerous Dog: A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person, or to a domestic or owned animal.

Department: The Department of Agricultural Resources (or its successor).

Dog: Any domesticated canine.

Domestic Animal: Any animal designated as domestic by regulations promulgated by the Department of Fish and Game (or its successor).

Domestic Charitable Corporation Kennel: a facility operated, owned or maintained by a domestic charitable corporation registered with the department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose providing veterinary treatment and care.

Euthanasia: To take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

Hearing Authority: The person charged with the responsibility of handling dog complaints in the City.

Keeper: Any person, business, corporation, entity or society, other than the owner, having possession of a dog.

Kennel: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

License Period: The period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of such license through the date on which such license expires, inclusive.

Licensing Authority: The City Clerk.

Live Stock or Fowls: A fowl or other animal kept or propagated by the owner for food or as a means of livelihood. Also includes deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement (or its successor) to be wild and kept by, or under
a permit from, said Department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

Nuisance Dog: A dog that: (i) by excessive barking or other disturbance is a source of annoyance to any sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Owner: Any person, partnership, or corporation owning, keeping or harboring one (1) or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for seven (7) consecutive days or more.

Personal Kennel: A pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the department may be sold, traded, bartered or distributed if the transfer is not for profit.

Research Institution: Any institution operated by the United States, or by the Commonwealth or a political subdivision thereof, a school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory, a biomedical corporation, or biological laboratory, or a hospital or other educational or scientific establishment within the Commonwealth above the rank of secondary school, which, in connection with any of the activities thereof, investigates or provides instruction relative to the structure or functions of living organisms or to the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

Shelter: A public animal control facility, or any other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect, or abuse.

Veterinary Kennel: A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care.

9-35.2 Duties of Animal Control Officer

The Animal Control Officer, under the direct supervision of the Park and Forestry Superintendent and under the general control of the Mayor, shall perform the following duties:

a. Enforce the provisions of this ordinance and the applicable provisions of Chapter 140 of the General Laws governing the regulation of dogs.

b. Investigate complaints regarding dogs and damage to livestock and fowls allegedly caused by dogs.

c. Apprehend dogs who are at large or who are a nuisance and keep them until the owner is found or until the dogs are otherwise disposed of under the provisions here in.

d. Maintain and supervise the operation of the City’s Animal Shelter, including the keeping of the records required for such operation.

e. Inspect or cause to be inspected any kennel and, if in his or her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, recommend to the Superintendent of Park and Forestry the revocation or suspension of the kennel license.

9-35.3 Animal Control Records

a. The Animal Control Officer shall make and keep records or forms which fully and correctly disclose the following information concerning each dog (and/or animal) in his or her custody:

1. Date and location of apprehension.
2. Description of dog and/or animal.
3. The place of detainment.
4. Name and address of owner (if tagged).
5. Name and address of new owner (if any) with date of sale or transfer of the animal.
6. If euthanized, the method and date and name of person who euthanized the animal.
7. The date, location and description of the dog and/or animal euthanized by gunshot in case of emergency, the disposition of the dog and/or animal remains, and a description of the situation requiring the gunshot.

b. Copy of such records shall be forwarded to the City Clerk, who will keep the information on file for five (5) years, and this shall be retroactive to 1999.

c. The Animal Control Officer shall, monthly, submit to the Mayor the number of dogs caught, confined, euthanized or adopted and the names of persons against whom complaints have been made and all persons who failed to comply since the previous report.

9-36 Licensing of Dogs

9-36.1 Any person owning, keeping or having custody of any dog six (6) months of age or older shall cause it to be licensed annually during the licensing period. The term “licensing” shall include the registration, numbering, and description of the dog and shall be conducted in the office of the City Clerk. The licensing period shall begin April first of each year and terminate thereafter on the thirty-first day of March, both dates inclusive. The owner of any dog may add descriptive words, not over ten (10) in number, upon the license form to further describe the dog. Whoever violates the provisions of this section by failing to license his or her dog shall be liable for a late fee in the amount of Twenty-Five ($25.00) dollars per dog in addition to a fine of Fifty ($50.00) dollars (the latter fine is paid when found in violation by the animal control officer).

9-36.2 All dogs brought or shipped into the Commonwealth as is required by Chapter 129, Section 39G of the General Laws, shall be accompanied by an official health certificate signed by an accredited veterinarian, a copy of which shall be sent to the Commissioner of Agriculture (or its successor).

9-36.3 The City Clerk shall not grant a license for any dog unless the owner provides a veterinarian’s certification that the dog has been vaccinated for rabies in accordance with Chapter 140, Section 145B of the General Laws, or a certificate of exemption to qualify for the reduced fee. A certificate from a veterinarian who spayed or neutered the dog will be required for a spayed female or neutered male being licensed for the first time. If a certificate cannot be obtained, a notarized statement by a registered veterinarian, describing the dog and stating that he has examined the dog and that it appears to have been, and in his or her opinion has been, spayed or neutered, will be accepted.

9-36.4 Upon acceptance of the license application and fee, a tag shall be issued, stamped with an identification number, year of issuance, and name of the City of Attleboro. All applications issued must have a description of the symptoms of rabies supplied by the Department of Public Health (or its successor) as required by Chapter 140, Section 145 of the General Laws. If a current tag is lost, a substitute tag can be obtained by the City Clerk for a fee of Five ($5.00) dollars.

9-36.5 The owner or keeper of a licensed dog shall cause it to wear around its neck or body, a collar of leather or other suitable material with the tag attached. Failure to wear the collar and tag will result in a warning for first offense and Ten dollar ($10.00) fine for a second or subsequent offense. No person may use any license or tag for any dog other than the dog for which it was issued.

9-36.6 No license or fee will be required for those individuals who board and care for dogs in lieu of the Attleboro Animal Shelter in preparation of those dogs being adopted by other individuals. A list of those dogs and boarders will be kept by the Animal Control Officer and updated monthly to the City Clerk.

9-36.7 License fees shall not be required for certified seeing-eye dogs, hearing dogs, dogs that are trained to assist the physically handicapped, or other service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder, or governmental police dogs.

9-36.8 No license fee, or part thereof, shall be refunded because of the subsequent death, loss, spaying/neutering, removal from the City, or other disposal of the dog.

(updated 8/20/2020)
9-36.9 Any person found guilty of, or penalized in any manner for, a violation of Sections 77, 80 ½, 80A, 94, or 95 of Chapter 272 of the General Laws shall immediately forfeit his dog license and will be ineligible for another dog license for a period of five (5) years from the date of being found guilty or penalized. No fee can be recovered and the dog license shall be void.

9-37 Licensing of Kennels

9-37.1 Every person maintaining a Personal Kennel or Commercial Breeder Kennel shall have a kennel license issued by the City Clerk. The licensing period shall begin April first of each year and terminate thereafter on the thirty-first day of March, both dates inclusive. Any owner or keeper of less than five (5) dogs, which are three (3) months old or over, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing such dogs under Section 9-36 hereof and during such time as he or she does not license such dogs thereunder shall have a kennel license and shall be subject to this section and other sections and statutes pertaining to kennels to the same extent as though he or she were maintaining a kennel. The Animal Control Officer shall inspect such kennel prior to the issuance of the license. Failure to obtain a kennel license shall be punishable by a late fee as follows:

<table>
<thead>
<tr>
<th>Kennel License</th>
<th>Fee</th>
<th>Late Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not more than 4 dogs</td>
<td>$50.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>2. More than 4 but less than 10 dogs</td>
<td>$75.00</td>
<td>$100.00</td>
</tr>
<tr>
<td>3. 10 or more dogs</td>
<td>$125.00</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

All late fees collected under this provision shall be reserved for the Animal Shelter Building Fund, subject to future appropriations.

9-37.2 The Animal Control Officer or the Animal Inspector appointed under the Massachusetts General Laws Chapter 129, Section 15 may inspect or cause to be inspected any kennel within the City. If unsanitary or inhumane conditions are found, or if records are not properly kept as required by law, the Animal Control Officer, said Animal Inspector, or his or her designee, shall recommend to the Superintendent of Parks and Forestry, acting as designee of the Mayor, the revocation or suspension of the kennel license.

9-37.3 Kennel licenses may be revoked or suspended or otherwise regulated for cause by the Superintendent of Parks and Forestry, acting as designee of the Mayor, in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 137C.

9-37.4 The owner of a kennel shall submit to the City Clerk a certification that all adult dogs on the premises have been properly inoculated.

9-37.5 The holder of a Personal Kennel license 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 name of the City of Attleboro and the year of issue.

9-37.6 Upon the transfer of a dog from a Commercial Kennel to an owner, the owner may use a certificate and tag from the kennel in lieu of a license for a period of two (2) weeks. The certificate shall contain the kennel number, date of purchase, and description of the dog. Upon the licensing of the dog, the City Clerk will sign and return the certificate to the Commercial Kennel.

9-37.7 If the license of any kennel is suspended or revoked, no fee can be recovered. Anyone maintaining a kennel after the license is revoked or during a suspension period shall be fined not more Two Hundred Fifty ($250.00) dollars.

9-37.8 Any person found guilty of, or penalized in any manner for, a violation of Sections 77, 80 ½, 80A, 94, or 95 of Chapter 272 of the General Laws shall immediately forfeit his or her kennel license and will be ineligible for another kennel license for a period of five (5) years from the date of being found guilty or penalized. No fee can be recovered and the kennel license shall be void.

9-37.9 Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

9-37.10 Abatement of Nuisance at Kennel:

(updated 8/20/2020)
Upon the petition of ten (10) citizens filed with the Superintendent of Park and Forestry, acting as designee of the Mayor, stating that they are aggrieved or annoyed to an unreasonable extent by one (1) or more dogs at a kennel because of the excessive barking or dangerous disposition of said dogs or other conditions connected with such kennel constituting a nuisance, the Superintendent of Park and Forestry, acting as designee of the Mayor, within seven (7) days after receiving the filing of such petition, shall give notice to all parties interested of a public hearing to be held within fourteen (14) days after the date of such notice. Within seven (7) days after such public hearing, the Superintendent of Park and Forestry, acting as designee of the Mayor, shall make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or by dismissing the petition. Written notice of such order shall be immediately mailed forthwith to the City Clerk and to the holder of such license and within ten (10) days after such order, the holder of such license may bring a petition in the Attleboro District Court asking for a review of the order by the Court. The Court shall review the order and shall affirm it unless it shall appear that the order was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the Court shall be final and binding upon the parties.

9-38 Dangerous Dogs

9-38.1 Definition of a “Dangerous Dog”
In addition to the definition of a dangerous dog under Section 9-35-1, a dangerous dog may include:
   a. Any dog with a known history of attacks to people or other domestic animals which, when unleashed in a dangerous or terrorizing manner, approaches any person in an apparent attitude of attack, or which behaves in a manner that (following the investigation and public hearing by the Superintendent of Parks and Forestry or his or her designee) a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or companion animal.
   b. Any dog owned or harbored primarily or in the past for the purpose of dog fighting or any dog trained for dog fighting.

9-38.2 Exceptions: Notwithstanding anything herein to the contrary, no dog shall be considered a dangerous dog:
   a. solely based upon growling or barking or solely growling and barking;
   b. based upon the breed of the dog; or
   c. if the dog was reacting to another animal or to a person and the dog’s reaction was not grossly disproportionate to any of the following circumstances:
      (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
      (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
      (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog;
      (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of seven (7), it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing;
      (5) if a domestic animal was injured while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of its owner, and the injury was to a species or type of domestic animal appropriate to the work of the dog;
      (6) if, in performing its duties as a military, correctional or police-owned dog, a dog shall not be considered dangerous if the dog attacks or injures a person or domestic animal.

9-38.3 Duties of Superintendent of Parks and Forestry When Dog is Deemed Dangerous.
Any person may make a complaint to the Superintendent of Parks and Forestry, or his or her designee, that a dog owned or kept in the City is a dangerous dog. The Superintendent of Parks and Forestry or his or her designee, acting as hearing authority, shall investigate or cause the investigation of such complaint, including an examination under oath of the complainant at a public hearing to determine whether the dog is a dangerous dog. Based on credible evidence and testimony
presented at the public hearing, the Superintendent of Parks and Forestry, or his or her designee, may either dismiss the complaint, deem the dog a nuisance dog (subject to an order for a nuisance dog under Section 9-38.4), or deem the dog a dangerous dog. If the Superintendent of Parks and Forestry, or his or her designee, deems a dog to be a dangerous dog on any occurrence, the Superintendent of Parks and Forestry, or his or her designee, may order one (1) or more of the following, and any expenses associated with any such action shall be paid by the owner or keeper of the dog:

a. that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

b. that the dog be confined to the premises of the keeper of the dog; provided, however, that “confined” shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than two (2) feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

c. that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length;

d. that the owner or keeper of the dog provide proof of insurance in an amount not less than $100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the Attleboro District Court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

e. that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

f. that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

g. that the dog be humanely euthanized.

The owner may opt to surrender the dog instead of performing said above mentioned orders. Upon any such surrender, the owner shall bear all the costs of impoundment and disposal of the dog through euthanasia in compliance with Massachusetts General Laws Chapter 140, Sections 157, and any other fines that may apply. Failure to comply with a dangerous dog order shall be enforceable in accordance with M.G.L. c. 140, § 157A.

9-38.4 Nuisance Dogs

a. Nuisance Dogs. If any person shall make a complaint to the Superintendent of Parks and Forestry, or his or her designee, that any dog is a nuisance, such as but not limited to excessive barking or other disturbance including unsanitary conditions or odor, or that any such dog by such barking or other disturbance is a source of annoyance to any person residing in the vicinity, the Superintendent of Parks and Forestry, or his or her designee, acting as hearing authority, shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant to determine whether the dog is a nuisance dog. Based on credible evidence and testimony presented at the public hearing, the Superintendent of Parks and Forestry, or his or her designee, may either dismiss the complaint or deem the dog a nuisance dog. If the dog is deemed a nuisance dog by the Superintendent of Parks and Forestry, or his or her designee, he or she may further order that the owner or keeper of the dog shall take remedial action to ameliorate the cause of the nuisance behavior. Failure to comply with a nuisance dog order shall be enforceable in accordance with M.G.L. c. 140, § 157A.

b. Quiet Times. All dogs are to be kept quiet between the Hours of 11:00 P.M. and 7:00 A.M.
Section 9-38.5 Appeals

Within ten (10) days after an order of the Superintendent of Parks and Forestry or his or her designee with respect to a dangerous or nuisance dog, the owner or keeper of such dog may may within (10) days of the decision by the Superintendent of Parks and Forestry, or his or her designee, petition to the Attleboro District Court, in accordance with M.G.L. c. 140, § 157, addressed to the justice of the Court, praying that the order may be reviewed by the Court, or magistrate thereof, and after such notice to the officer or officers involved as all parties, the magistrate shall, under Section 62C of Chapter 221 of the General Laws, review the order of the hearing authority, hear the witnesses, and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the complaint before a justice of the court. The decision of the Court shall be final and conclusive upon the parties. Pending an appeal by an owner or keeper to the Attleboro District Court, the Superintendent of Parks and Forestry, or his or her designee, may file a petition in said Court to request an order of impoundment at the Animal Shelter for a dog complained of as being a dangerous dog.

9-39 Defecation of Dogs

9.39.1 The owner or keeper of a dog shall pickup and properly dispose of such dog’s excrement on any public place or private property not owned or controlled by such owner or keeper. Any owner or keeper of a dog in violation of this section shall be fined Fifty ($50.00) dollars, said penalty to be assessed in accordance with the provisions for the noncriminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

9-40 Leashing of Dogs

9-40.1 No owner or keeper of a dog shall cause or permit such dog, whether licensed or unlicensed, to run-at-large or be a nuisance within the City of Attleboro. No owner or keeper of a dog shall, except as otherwise provided herein, take or permit such dog to be taken from its premises unless the dog is restrained and under the control of the owner or keeper by means of a leash, or acceptable travel container, which is made of suitable material.

a. Any working dog, such as a police dog, farm dog, hunting dog, or watchdog, shall be allowed to perform its necessary duties with the proper restraint and control as may be required by its master or person in whose charge the dog is so assigned.

b. Owners or keepers found to be in violation of this section, shall receive a warning for a first offense and be liable to a fine of Seventy-Five ($75.00) dollars for a second offense and a fine of One Hundred ($100.00) Dollars for the third and subsequent violations, said penalties to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended. The City’s leash law as described in this section shall be enforceable daily for a twenty-four (24) hour period of time.

9-41 Impoundment of Dogs

9-41.1 Any dog found running-at-large shall be taken up by the Animal Control Officer and impounded in the City’s Animal Shelter and shall be there confined in a humane manner until the owner claims the animal, it is adopted by a new owner, or as a last resort, is disposed of as determined by the Animal Control Officer. The Animal Shelter will retain the dog for a period of not less than seven (7) days before deciding to offer the dog for adoption, or euthanize the dog as provided in this ordinance. After seven (7) days, any such dog may be humanely euthanized or placed in the custody of some person at the discretion of the Animal Control Officer, except as hereafter provided in the case of certain dogs.

a. Immediately upon impounding dogs, the Animal Control Officer shall make a reasonable effort to notify the owners of such dogs and shall inform such owners, by registered or certified mail, of the conditions whereby they may regain custody of such dogs.

b. No dogs shall be turned over or sold to any hospital, institution or organization of any kind for experimental purposes.

9-41.2 The owner of an impounded dog shall be entitled to resume possession of any impounded dog once it is licensed. A fee will be assessed to the owner for the boarding of the dog at the shelter at the rate of Twenty-Five ($25.00) dollars per day. The owner shall also be required to pay the costs incurred by the City for the services of a veterinarian to render emergency care or treatment to a dog impounded in the City’s Animal Shelter.
9-41.3 The Animal Control Officer shall not sell, give away, or place for adoption any dog that has not been spayed or neutered, unless a deposit of Forty ($40.00) dollars for spaying or neutering the dog has been tendered to the Animal Shelter. The Animal Shelter may make appropriate arrangements for the spaying or neutering of the dog by a licensed veterinarian, or may return the deposit to the person purchasing, receiving or adopting the dog upon presentation of a written statement or receipt from a veterinarian or clinic that the dog has been spayed or neutered by a licensed veterinarian. Procedures for the adoption of a dog shall be established by the Animal Control Officer.

a. Any dog six (6) months of age or older at the time it is sold, given away or adopted, shall be so spayed or neutered within sixty (60) days, or the deposit shall be deemed unclaimed.

b. Any dog under six (6) months of age at the time it is sold, given away, or adopted shall be spayed or neutered within sixty (60) days after reaching six (6) months of age, or the deposit shall be deemed unclaimed.

c. Any deposit not claimed under this section shall be used only for the following purposes:
   1. a public education program to prevent overpopulation of dogs;
   2. a program to spay or neuter dogs;
   3. a follow up program to assure that animals sold or given away by the Animal Shelter are spayed or neutered;
   4. costs incurred under this section.

9-41.4 The Animal Control Officer shall not sell, give away, or place for adoption to any City resident any dog unless the new owner has obtained a license for the dog in accordance with this Ordinance.

9-41.5 The Animal Shelter may enter into a cooperative agreement with another shelter and with a veterinarian in carrying out the provisions of this section.

9-42 Fines and Penalties

9-42.1 For the purposes of enforcing the provisions of this ordinance, notice of violation (appearance tickets) may be issued by any police officer and/or the Animal Control Officer and/or his or her designee.

9-42.2 All fines and penalties provided in the preceding sections relating to dogs shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Sections 21 or 21D, as amended. The issuance of a fine or non-criminal disposition shall not preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this ordinance.

9-43 Breakdown of Fees

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Amount of Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neutered Male</td>
<td>$5.00</td>
</tr>
<tr>
<td>Spayed Female</td>
<td>$5.00</td>
</tr>
<tr>
<td>Male</td>
<td>$20.00</td>
</tr>
<tr>
<td>Female</td>
<td>$20.00</td>
</tr>
<tr>
<td>Kennel - not more than 4 dogs</td>
<td>$50.00</td>
</tr>
<tr>
<td>Kennel - more than 4, but not more than 10 dogs</td>
<td>$75.00</td>
</tr>
<tr>
<td>Kennel - 10 or more dogs</td>
<td>$125.00</td>
</tr>
<tr>
<td>Pet Shop</td>
<td>$75.00</td>
</tr>
<tr>
<td>Grooming Shop</td>
<td>$75.00</td>
</tr>
<tr>
<td>Replacement of Lost Tag</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

A late fee of Twenty-Five ($25.00) dollars will be charged for any dog not licensed during the licensing period. Late fees will be charged beginning June 1st of each calendar year. The City Clerk may grant an exception to this late fee for owners of new dogs and residents who have only recently moved to Attleboro.

All late fees collected under this provision shall be reserved for the Animal Shelter Building Fund, subject to further appropriation.

9-44 Miscellaneous:

(updated 8/20/2020)
a. Nothing in this chapter shall limit or abrogate any claim or cause of action any person may have under common law or statute relating to injuries or damages resulting from a dog.

b. The provisions of this chapter shall be in addition to such common law and statutory remedies.

c. Nothing in this chapter shall limit or abrogate any common law defenses, rights, privileges, or justifications available under applicable law to any owner or keeper of a dog.

d. No person, owner, or keeper having control or custody of a dog shall direct, encourage, cause, allow or otherwise aid or assist any dog to threaten, charge at, intimidate, bite, harass, menace, or attack any person.

e. Any person owning or harboring a dog who fails to comply with the Ordinances of the City of Attleboro or an order of the Animal Control Officer made pursuant to the Ordinances shall be punished by a fine of $300. Cumulative fines in excess of Two Hundred and Fifty ($250.00) dollars shall be at the discretion of the Animal Control Officer as to whether they are collected.

Section 9-45 Dog Parks

There is hereby established within the City of Attleboro a dog park for the purpose of allowing the off-leash exercise of dogs, provided that such dog is under the control of an attendant who is competent and knowledgeable relative to the behavior of said dog(s).

Section 9-45.1 Definitions

Attendant: A person eighteen (18) years or older who brings a dog or dogs to the Dog Park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the facility.

Dangerous Dog: As defined in Section 9-38.1.

Dog Park: An enclosed fence facility designated by the City of Attleboro for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

Owner: As defined in Section 9-35.1

Visual Control: The attendant can see the dog(s) and is within 75-feet of the dog(s) at all times.

Voice Control: The attendant is within 75-feet of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant when so commanded.

Section 9-45.2 Park Operations

The Superintendent of Departments of Parks and Forestry shall have authority to control the Dog Park and to make reasonable rules for its operation that are consistent with the Ordinance. The Dog Park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather.

Section 9-45.3 Responsibilities of Dog Park Users

The attendant must ensure that their dog(s) are legally licensed and have documentation that their dog’s vaccinations are up-to-date. Current license and vaccination tags must be displayed on the dog’s collar.

All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries.

No more than two (2) dogs per attendant are allowed in the Dog Park.

The attendant of the dog(s) must be inside the enclosed Dog Park and have visual and voice control of their dog(s) at all times. Dogs shall not be left unattended at or inside the facility.

All dogs must be wearing a collar, however spiked, choke, and gentle-leader style electronic collars are not permitted.

(updated 8/20/2020)
The attendant of any dog(s) using the facility must have in his possession a leash that must be attached to said dog(s) when outside the facility area.

The attendant must fill-in any holes dug at the facility by their dog(s).

The attendant must remove their dog(s) when they become engaged in excessive barking or are fighting with other dogs.

The attendant of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated receptacles.

9-45.4 Children Regulations
While inside the facility, children 12 to 18 years of age shall be accompanied by an adult who is solely responsible for the child’s proper behavior and safety. Such children are not permitted to excite or antagonize any dogs using the facility by any means including, but not limited to, shouting, screaming, waving their arms, throwing objects, running at or chasing dogs.

Children under 12-years of age are prohibited from entering the Dog Park.

9-45.5 Prohibited Actions
To ensure the safety of the dogs and attendants the following are not permitted at the Dog Park:
- Animals that are not dogs.
- Dogs under the age of four (4) months.
- Female dogs when in heat.
- Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans,
- The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment,
- Motorized vehicles and devices, except for wheelchairs for the disabled.
- Glass bottles and similar breakable containers.
- Alcoholic beverages.
- Smoking
- Food of any type, including dog biscuits/treats.

Professional dog trainers may not use the facility in conjunction with the operation of their business.

9-45.6 Liability
Users of the Dog Park shall comply with all rules and regulations governing the use of the facility.

The owner and/or attendant is responsible for and liable for all injuries and damages caused by their dog(s).

Use of the Dog Park shall constitute the implied consent of the dog owner and/or attendant to all conditions of this ordinance and shall constitute a waiver of liability to the City of Attleboro. As such, users of the Dog Park agree and undertake to protect, indemnify, defend, and hold the City of Attleboro harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is unleashed at the facility.

9-45.7 Enforcement
A person found to be in violation of this Dog Park Ordinance and/or the Dog Park rules is subject to removal from the facility and may be prohibited from future use of the Dog Park.

A person who violates any provision of Dog Park Ordinance or Rules shall be subject to a fine of $50.00 dollars, said penalty may be assessed in accordance with the provisions for the non-criminal disposition procedures in General Laws Chapter 40, section 21D. In addition to the enforcing persons identified in Section 1-5.2 (f) of this Revised City Ordinances, the Animal Control Officer and the Superintendent of Parks and Forestry shall be authorized to enforce this Dog Park Ordinance.

Section 9-46 Adopt a Spot (amended 3/15/11)

The “adopt a spot” program was instituted by the City of Attleboro to beautify the roads and city property in and leading into Attleboro. Sites range from sidewalk landscapes, greenway trails, conservation, park and forestry and recreation properties. Sites may also include ancient burial grounds that the City has authority to maintain under M.G.L. c. 114 § 18. The designee of such burial sites will be the Historical Commission. The City of Attleboro asks that all participants in the Program agree to
clean, beautify and maintain their designated areas in compliance with the following conditions: (this ordinance shall take effect on passage)

a. Individuals, groups, organizations, and businesses may apply to “adopt a spot” through the Mayor’s Office who will forward the application to his/her designee, once approved. Designee shall mean either the Park Commission, Conservation Commission, Recreation Commission, School Committee, or the Superintendent of Water, Wastewater and Public Works Departments or any other personnel appointed by the Mayor. The application will list the name or names responsible, an address and phone number. The application will specify which particular property the party would like to maintain and the intended care, i.e., cleaning, plantings, mowing, pruning and other care.

b. Completed applications, new or renewal, should be submitted via regular, first-class mail, postage prepaid, or in hand to City of Attleboro Mayor’s Office Government Center, 77 Park Street, Attleboro, MA 02703 no later than March 1st. A design proposal narrative must be submitted with the “adopt a spot” program application to the address above for review and approval. The Mayor or his/her designee will review any and all such applications to determine whether the application meets the regulations herein. The Mayor or his/her designee will only grant applications to “adopt a spot” to individuals who agree to abide by the terms of the City of Attleboro’s “Adopt a Spot Program Regulations.” Confirmation of sponsorship shall be sent to applicants upon review. In promulgating these regulations, the City of Attleboro does not intend to, nor shall it be construed to create a public forum or a limited public forum. Renewal applications receive priority, followed by new applicants. Multiple applications for initial or newly identified areas will be awarded by lottery, to be conducted by the appointed City designee. Awarded sponsorships will be for eleven (11) months beginning April 1st.

Section 9-46.1 “Adopt a Spot” Regulations

a. Individuals or groups adopting a designated area will have access from April 1st to March 1st.

b. The sponsor shall be responsible for maintaining the designated area free of trash, and to weed and refresh plant material during the season. Individuals or groups adopting a designated area will be responsible for care, watering, weeding, pruning, and supplying tools, etc. The City of Attleboro cannot supply materials, plants, tools, vehicles, or any other items to any resident or group in order to care for the designated area. If any person or group adopting a spot should experience a difficulty in maintaining the designated area, the Mayor or his/her designee will be notified immediately.

c. All plantings must be approved by the Mayor or his/her designee in regard to growth, density and height limitations. The height of plants should not exceed 30 inches, and may not impede visibility for vehicles. Plantings shall not exceed the physical space of the designated area adopted.

d. If at any point the City deems that the designated area is unsightly due to lack of care, then the City will remove the “adopt a spot” sign and the material on the designated area and the person or business will forfeit their rights to plant the designated area.

e. No individual or group adopting a spot will block or impede traffic while in the care of the designated area. If at any time the planting is deemed to interfere with traffic or views of traffic, then the City of Attleboro will take steps to correct the problem in consultation with the adopter.

f. Planting of traffic islands under the jurisdiction of the Massachusetts Highway Department (MHD) or the Federal Highway Administration (FHA) must be approved by the MHD and/or the FHA and therefore require additional application(s).


g. The individual or group adopting a designated area shall not erect any sign or display any message on the area except that a single sign not exceeding one (1) square foot which identifies the sponsoring individual or group may be placed on the site. The City reserves the right to adopt a uniform design for such identifying signs.

Section 9-46.2 The foregoing regulations shall apply to any and all designated areas involved in the “adopt a spot” program, which may be designated at the sole discretion of the Mayor or his/her designee. Nothing herein shall be construed as affording any party the right to plant on any owned, cared for, and/or area maintained by the City of Attleboro.

Section 9-46.3 The City of Attleboro shall retain the right of ownership and control over any and all designated areas; as such, it may revoke the right of any or all sponsor(s) to access the site(s) for any reason and at any time. As such, sponsors receive
only a license to access the site for the sole, limited purposes provided for in this regulation. The license to access a designated area is not intended to be construed as a property right, giving rise to any due process rights; all applicants acknowledge this term, and all terms in this agreement, as an express condition of applying for and of being granted a license by the City of Attleboro.

Section 9-46.4 All individuals, groups, organizations, or businesses adopting a spot will take sole responsibility for their own personal safety and will be solely liable for their well being while on City Property. As a condition of approval, all individuals, groups, organizations shall certify that they do hereby release, indemnify, and forever hold harmless the City of Attleboro, together with its boards, commissions, committees, officers, agents, employees, assigns, and designees, from any and all liability and loss, liability, damages, claims, costs, including reasonable witness and attorneys’ fees, associated with the performance of any and all services performed in conjunction with the maintenance of any designated area in the City of Attleboro. No individual, group, organization, or business shall be entitled to receive any benefits of employment with the City of Attleboro, including without limitation, salary, overtime, vacation pay, holiday pay, sick leave, health insurance, life insurance, pension or deferred compensation, with regard to any maintenance under the “adopt a spot” program.

Section 9-46.5 All individuals, groups, organizations, or businesses adopting a spot shall comply with all the revised ordinances of the City of Attleboro, federal, and state, regulations, and/or rules and policies.

Section 9-46.6 The foregoing regulations shall take effect immediately upon approval of the City Council of the City of Attleboro.

Section 9-47 Motor Vehicle Dealers (Adopted 4/15/2014, amended 9/20/16)

Section 9-47.1 During the first week of October annually, the Office of the City Clerk shall issue renewal notices to the holders of licenses issued under Massachusetts General Laws, Chapter 140, Sections 57 to 59 (Class 1, Class 2 and Class 3) via first class mail. These renewal notices shall include a summary of the renewal procedures contained in Section 9-47.2

Section 9-47.2 Completed renewal applications for licenses issued under Massachusetts General Laws Chapter 140, Sections 57 to 59 (Class 1, Class 2, and Class 3) must be received by the Office of the City Clerk on or before the first Friday in November. In order to be processed, the renewal application must be submitted in its entirety, including a check or money order for the applicable license renewal fee. If a renewal application does not meet the conditions hereunder, the existing license shall expire on January 1st in accordance with Massachusetts General Laws, Chapter 14, Section 59. The license renewal fee for an application received after the first Friday in November shall be tripled. Payments of such triple fee shall not relieve any person from fully complying with the requirements of the above mentioned Massachusetts General Laws and the Revised Ordinances of the City of Attleboro.

This ordinance shall become effective immediately upon passage.

Section 9-47.3 The holder of a license under Massachusetts General Laws, Chapter 140, Section 58 (Class 1, Class 2 and Class 3) shall post signage stating the hours of operation, including the hours when an employee shall be physically present on-site. This signage shall be posted in a conspicuous location on the premises of the licensed business and shall be printed in a legible, easily understandable format.
CHAPTER 10

MOTOR VEHICLES AND PARKING

Section 10-1 Operation of Motor Vehicle and Pedestrian Control

The Rules and Regulations to direct, govern and restrict the movement of vehicles and the regulation of pedestrians on State Highways as adopted by the Department of Public Works, Commonwealth of Massachusetts, as from time to time amended, are adopted and incorporated herein for the roads and ways of the City of Attleboro, to the extent the same are applicable to the roads and ways of the City of Attleboro. In the event of a conflict between said Rules and Regulations and other provisions of these ordinances, these ordinances shall govern.

Section 10-2 Speed Regulations

Special speed regulations approved or adopted by the Municipal Council shall be kept on file in the office of the City Clerk and the Police Department.

Section 10-3 Authority and Duties of Police

10-3.1 Direct Traffic

It shall be the duty of officers, designated by the Police Chief to enforce the provisions of these ordinances. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of these ordinances, provided that in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of these ordinances.

10-3.2 Close Streets Temporarily

The Police Chief is hereby authorized by the Municipal Council to close temporarily, any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration, or procession, provided there is reasonable justification for the closing of such street.

10-3.3 Prohibit Parking Temporarily

The Police Chief is hereby authorized by the Municipal Council to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration, or procession or where public convenience requires it, provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

10-3.4 Driver File

The Police Chief shall keep a record of all operators involved in accidents within the City and shall report to the Registrar of Motor Vehicles such operators as are found to be repeated violators of these ordinances.

10-3.5 Annual Report

The Police Chief shall make an annual report to the Mayor concerning the accident situation in the city. The Police Chief shall include in this report the number of operators reported to the Registrar of Motor Vehicles and other pertinent date on safety activities, accompanied by his recommendations.

Section 10-4 Traffic Control

10-4.1 Traffic Signs (Amended 7/20/04)

The Police Chief is hereby authorized and, as to those signs and signals required hereunder it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the
Commonwealth of Massachusetts. The said signs and signals shall be in a sufficient number and maintained so as to be easily visible to approaching drivers.

A one-way street sign shall be clearly visible for a distance of at least seventy-five (75) feet to drivers approaching such an exit.

10-4.2 Display of Unauthorized Signs, Signals and Markings Prohibited

It shall be unlawful for any person to place to maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be, or is an imitation of, or resembles an official traffic sign, signal, or marking, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Police Chief is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed, without notice.

10-4.3 Interference with Signs, Signals and Markings Prohibited

Any person who willfully defaces, injures, moves, obstructs, or interferes with any official traffic sign, signal, or marking shall be liable to a penalty not exceeding twenty ($20.00) dollars for each and every offense.

10-4.4 Obedience to Traffic Signs and Signals

No driver of any vehicle shall disobey the instruction of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

10-4.5 Obedience to Traffic Signs and Signals in Particular (Amended 12/5/06)

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other convenience shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign, other than a stop sign, signal or device. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

a. GREEN: While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within the crosswalk or the intersection at the time such signal was exhibited. Driver of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

b. RIGHT, LEFT AND VERTICLE GREEN ARROWS: When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make movement permitted by the arrow but shall yield the right of way to vehicles and pedestrians proceeding from another direction on green indication.

c. YELLOW: While the yellow lens is illuminated, waiting drivers shall not proceed, and any driver approaching the intersection or a marked stop line, shall stop at such point unless so close to the intersection that a stop cannot be made in safety, provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.

d. RED: Traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, or if none before entering the crosswalk on the near side of the intersection or if none then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by Chapter 89, Section 8 of the General Laws. No driver of a vehicle facing a circular red signal indication shall make a right turn where official traffic signs are installed and maintained prohibiting such turns at the following intersections:

Eastbound on County Street at South Main Street
Southbound on Newport Avenue at West Street
Southbound on North Main Street at County Street
Pleasant Street at Forest Street: Northbound traffic prohibited from making a right

(updated 8/20/2020)
turn on red onto Forest Street Eastbound

Pleasant Street at Starkey Avenue: Southbound traffic prohibited from making a right
turn on red onto Starkey Avenue Westbound

Northbound on South Main Street at Park Street

e. FLASHING RED: A flashing red lens shall indicate those intersections at which a driver is required by law to stop before entering.

f. FLASHING YELLOW: A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.

g. FLASHING GREEN: A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red and/or yellow indications.

h. PEDESTRIAN WALK: While the pedestrian walk lens is illuminated, drivers shall not enter the intersection and during such time the intersection shall be reserved for the exclusive use of pedestrians.

10-4.6 Left Turns Prohibited  (Amended 5/6/03) No driver of a vehicle shall make a left turn at the following intersection unless otherwise directed by a police officer:

County Street at South Main and North Main Streets: Eastbound traffic prohibited from making a left turn onto North Main Street Northbound

*Emory Street at Pleasant Street: Westbound traffic prohibited from making a left turn onto Pleasant Street Southbound

Park Street at Railroad Avenue: Westbound traffic prohibited from making a left turn onto Railroad Avenue Southbound

Park Street at South Main Street: Westbound traffic prohibited from making a left turn onto South Main Street Southbound

Pleasant Street southbound to Emory Street;

*Pleasant Street at Park Street: Southbound traffic prohibited from making a left turn onto Park Street Eastbound

Reynolds Street at Daisy Lane. Northbound traffic prohibited from making a left turn on to Daisy Lane westbound;

South Main Street at Capron Street: Southbound traffic prohibited from making a left turn onto Capron Street Eastbound except for emergency vehicles.

Approved by Mayor September 13, 1991.

South Main Street at County and Park Streets: Northbound traffic prohibited from making a left turn onto County Street Westbound

Union Street northbound to Park Street (South);

*Those portions of the Amendment marked with an Asterisk shall not take effect until the completion of Urban Systems Project-Traffic Control Agreements. (as voted 8/14/80)

10-4.7 Location of Bus Stops, Taxicab Stands, and Service Zones

The location of all bus stops, taxicab stands and service zones shall be specified by the Police Chief with the approval of the Municipal Council. Taxi stands may be used by any vehicle properly licensed to operate in the City of Attleboro.

10-4.8 Zones of Quiet

(updated 8/20/2020)
All of the territory within two hundred (200') feet of the premises of each hospital in this city is hereby created and established as a Zone of Quiet. The Police Chief is hereby authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a Zone of Quiet.

The Police Chief may temporarily establish a Zone of Quiet upon any street where a person is seriously ill, if requested to do so by the written statement of a registered physician certifying to its necessity. Said temporary Zone of Quiet shall embrace all territory within a radius of two hundred (200') feet of the building occupied by the person named in the request of the said physician. Said temporary Zones of Quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet".

No person operating a motor vehicle within any designated and signed "Zone of Quiet" shall sound the horn or other warning device of said vehicle except in an emergency, nor shall any person make any loud or unusual noise or play any music within or upon any streets, alleys, or public places in any such "Zone of Quiet".

10-4.9 One Way Streets (Amended 2/19/08)

Upon the following streets or parts of streets, vehicular traffic shall move only in the direction indicated below:

- Academy Street from North Main Street to Sanford Street;
- Brook Street, southerly from Emory Street to Park Street;
- Ellis Street, southerly from Manchester Street to Olive Street;
- Emory Street, westerly from Park Street to Pleasant Street;
- Howard Avenue, southerly from Park Street to Gardner Street;
- Lafayette Street, southerly from Maple Street to Orange Street; Saturday, 4:30 p.m. to 6:30 p.m. and Sunday, 7:00 a.m. to 11:30 a.m.
- Morey Street, northerly from Park Street to Emory Street;
- Park Street, easterly from Union Street to Emory Street;
- Park Street (North) westbound from Pleasant Street;
- Park Street turnaround/connector southbound from Park Street (North) to Park Street (South);
- Park Street, westerly from Emory Street to Torry Street;
- Railroad Avenue, southerly from Park Street to Mill Street;
- Robbins Street, southerly from Gardner Street to Dunham Street;
- Sturdy Street, northerly from Park Street to Emory Street;
- Thacher Street, westerly, from Anderson Avenue to Snell Street.

10-4.10 Through Way Stop Signs

In accordance with General Laws, Chapter 89, Section 9, Washington Street is hereby recognized as a state-designated through way, with official "Through Traffic Stop" signs erected and maintained by the state so as to face eastbound and westbound drivers on all streets intersecting Washington Street except at location where official traffic signals direct traffic to alternately stop and go.

10-4.11 Isolated Stop Signs (Amended 7/23/2015, 1/3/17, 3/7/17, 4/18/17, 8/17/17, 11/21/17, 4/3/20, 4/7/20)

In accordance with General Laws, Chapter 89, Section 9, as amended, the following accepted or unaccepted streets are designated as stop streets and the Police Chief is hereby authorized and directed to erect and maintain an official "STOP" sign or signs so as to face:

- Eastbound drivers on Adamsdale Avenue at Allen Avenue;
- Northbound drivers on Adamsdale Avenue at Brown Street;
- Eastbound and westbound drivers on Alder Street at Linden Street;
- Northbound drivers on Allen Avenue at Brown Street;
- Southbound drivers on Angeline Street at Newport Avenue (Route 123);
- Northbound drivers on Angell Street at intersection of Foley Street and Kendall Avenue;
- Southbound drivers on Angell Street at Pleasant Street;
- Southbound drivers on Ashton Road at West Street;
- Westbound drivers on Autumn Lane at Pike Avenue;
- Westbound drivers on Bacon Street at Pond Street;
- Westbound drivers on Baltic Street at Mendon Road;
Northbound drivers on Bambury Lane at Whalen Drive;
Southbound drivers on Bambury Lane at Whalen Drive;
Northbound and southbound drivers on Bank Street at Holden Street;
Eastbound drivers on Bayberry Hill Road at Raeburn Drive;
Southbound drivers on Beagle Club Road at West Street;
Eastbound drivers on Belair Avenue at Hudson Street;
Northbound drivers on Benefit Street at Holden Street;
Northbound drivers on Benjamin Drive at North Avenue;
Northbound drivers on Berwick Road at West Street;
Westbound drivers on Bicknell Street at Bank Street;
Southbound drivers on Biltmore Street at Pleasant Street;
Westbound drivers on Bishop Street at Park Street;
Eastbound drivers on Bishop Street at Pike Avenue;
Northbound drivers on Black Oak Drive at Thacher Street;
Eastbound and westbound drivers on Bliss Avenue at Frenier Avenue;
Westbound drivers on Bliss Avenue at Bourne Avenue;
Eastbound drivers on Boardman Lane at Newport Avenue;
Southbound drivers on Booth Street at Carleton Street;
Northbound drivers on Bourne Avenue at South Main Street;
Northbound drivers on Branch Avenue at Thacher Street;
Northbound drivers on Breton Woods Drive at the intersection of Fontaine Street;
Westbound drivers on Bridge Street at Phillips Street;
Northbound and southbound drivers on Brook Street at Emory Street;
Northbound and southbound drivers on Brook Street at Holman Street;
Eastbound drivers on Brookside Drive at Pike Avenue;
Eastbound drivers on Brookwood Road at Pike Avenue;
Southbound drivers on Buena Vista Drive at Highland Avenue;
Southbound drivers on Burt Street at O’Donnell Drive;
Northbound and southbound drivers on Burt Street at South Avenue;
Southbound drivers on Buhee Street at County Street;
Southbound drivers on Butterworth Drive at Pike Avenue;
Northbound drivers on Cambridge Street at Pleasant Street;
Eastbound drivers on Capron Street at Union Street;
Eastbound drivers on Captain Courtois Drive at County Street;
Eastbound drivers on Carlon Street at Snell Street;
Eastbound drivers on Carnegie Way at Oak Hill Avenue;
Eastbound driver on Carpenter Street at Martin Street;
Westbound drivers on Carpenter Street at South Main Street;
Eastbound drivers on Carpenter Street at Pine Street;
Southbound drivers on Carrier Avenue at Brown Street;
Northbound drivers on Chapel Hill Lane at Parsonage Way;
Southbound drivers on Claire Drive at Kennedy Drive;
Westbound drivers on Claflin Street at North Main Street;
Southbound drivers on Clayton Avenue at Clayton Street;
Eastbound drivers on Cliff Street at River Bank Road;
Southbound drivers on Clifton Street at West Street;
Eastbound and westbound drivers on Collins Street at Mendon Road;
Eastbound drivers on Commonwealth Avenue at North Main Street;
Southbound drivers on Como Drive at May Street;
Northbound drivers on Continental Drive at Newport Avenue;
Westbound drivers on Constitution Avenue at Park Street;
Southbound drivers on Crossman Avenue (westerly) at Holden Street;
Southbound drivers on Crossman Avenue (easterly) at Holden Street;
Southbound drivers on Cumberland Avenue at Newport Avenue;
Eastbound drivers on Cummings Street at Park Street;
Westbound drivers on Cummings Street at George Street;
Westbound drivers on Curtis Avenue at Robinson Avenue;
Eastbound drivers on Daggett Road at North Main Street;
Westbound drivers on Daisy Lane at Sunset Lane;

(updated 8/20/2020)
Southbound drivers on Davis Avenue at Pearl Street;
Eastbound and westbound drivers on Dale Avenue at the intersection of Woodcrest and Edgecliff Avenue;
Northbound drivers on Davis Circle at South Avenue;
Eastbound and westbound drivers on Dean Street at Bank Street;
Westbound drivers on Dean Street at North Main Street;
Eastbound drivers on Dean Street at Perrin Street;
Eastbound drivers on Deanville Road at North Avenue;
Southbound drivers on Deerfield Street at the intersection of Rossman Street and Bretton Woods Drive;
Southbound drivers on Dennis Street at County Street;
Northbound drivers on Dennis Street at Mechanic Street;
Eastbound drivers on Devonshire Road at North Main Street;
Eastbound drivers on Dewey Avenue at North Main Street;
Eastbound drivers on Dexter Street at Oakdale Street;
Westbound drivers on Division Street at Lindsey Street;
Northbound drivers on Dorchester Avenue at Pleasant Street;
Westbound drivers on Dorrance Street at Park Street;
Eastbound and westbound drivers on Dunham Street at O'Neil Boulevard;
Eastbound and westbound drivers on East Street at Pine Street;
Eastbound and westbound drivers on East Street at Hazel Street;
Eastbound and westbound drivers on East Street at O'Neil Boulevard;
Eastbound and westbound drivers on East Street at George Street;
Westbound drivers on East Fourth Street at County Street;
Westbound drivers on Edgewood Avenue at Magnolia Street;
Eastbound and westbound drivers on Edgewood Avenue at Quintin Avenue;
Northbound drivers on Edna Drive at West Street;
Northbound and southbound drivers on Ellis Street at Lamb Street;
Northbound drivers on Ellis Street at Olive Street;
Southbound drivers on Ellis Street at Clarence Street;
Eastbound drivers on Eldredge Street at County Street;
Eastbound drivers on Elizabeth Street at North Main Street;
Eastbound and Westbound Drivers on Elizabeth Street at State Street;
Eastbound and Westbound Drivers on Elizabeth Street at Water Street;
Westbound drivers on Essex Street at Gregory Drive;
Eastbound and westbound drivers on Falmouth Street at Brook Street;
Westbound drivers on Falmouth Street at Pleasant Street;
Northbound drivers on Falmouth Street at Forest Street;
Northbound drivers on Fenton Avenue at Brown Street;
Eastbound drivers on Fifth Street at County Street;
Northbound drivers on Fifth Street at Jefferson Street;
Eastbound drivers on First Street at County Street;
Southbound and Northbound drivers on Fisher Street at the intersection of Alder Street and Louise Street;
Westbound drivers on Florence Avenue at Mendon Road;
Eastbound drivers on Florence Avenue at Robinson Avenue;
Eastbound drivers on Foley Street at Angell Street;
Northbound drivers on Fontaine Avenue at Mendon Road;
Northbound and southbound drivers on Forest Street at Emory Street;
Westbound drivers on Fourteenth Street at County Street;
Eastbound drivers on Fourth Street at County Street;
Northbound drivers on Fourth Street at Jefferson Street;
Eastbound drivers on Frank Mossberg Drive at County Street;
Eastbound and westbound drivers on Franklin Street at Fourth Street;
Eastbound drivers on Franklin Street at Third Street;
Eastbound drivers on Franklin R. McKay Road at County Street;
Eastbound and westbound drivers on Gardner Street at Park Avenue;
Northbound drivers on Gardner Avenue at Brown Street;
Southbound drivers on Gardner Avenue at Pine Road;
Westbound drivers on Garfield Avenue at Park Street;

(updated 8/20/2020)
Northbound and Southbound drivers on George Ide Drive at Captain Courtois Drive;
Northbound and southbound drivers on George Street at Maple Street;
Westbound drivers on Gerri Drive at Lindsey Street;
Northbound drivers on Glendale Road (northerly) at West Street;
Northbound drivers on Glendale Road (southerly) at West Street;
Eastbound drivers on Goff Street at South Main Street;
Northbound drivers on Greenfield Street at West Street;
Southbound drivers on Greenfield Street at South Avenue;
Northbound drivers on Greenhill Avenue at Thacher Street;
Northbound and southbound drivers on Greenhill Avenue at Stony Brooke Lane;
Northbound drivers on Greenwich Street at Mendon Road;
Southbound drivers on Greenwich Street at Rossman Street;
Southbound drivers on Guisti Drive at Juniper Avenue;
Westbound drivers on Guisti Drive at South Main Street;
Northbound drivers on Gustin Avenue at Pleasant Street;
Southbound drivers on Gustin Avenue at Horton Street;
Northbound drivers on Hanisch Road at South Avenue;
Eastbound drivers on Handy Street at Park Street;
Southbound drivers on Handy Street at Oakhill Avenue;
Westbound drivers on Harold Sweet Drive at Pike Avenue;
Westbound drivers on Harvard Street at North Avenue;
Northbound drivers on Harvey Road at Peckham Street;
Southbound drivers on Harvey Road at Pike Avenue;
Eastbound drivers on Hawthorne Street at Bushee Street;
Eastbound drivers on Hayward Street at Hodges Street;
Eastbound drivers on Hayward Street at North Main Street;
Westbound drivers on Hayward Street at Hodges Street;
Northbound and southbound drivers on Hazel Street at School Street;
Northbound and southbound drivers on Hazel Street at Maple Street;
Northbound and southbound drivers on Hazel Street at Carpenter Street;
Northbound drivers on Hazel Street at Pearl Street;
Westbound drivers on Hazelwood Avenue at North Main Street;
Eastbound drivers on Henshaw Avenue at Juniper Avenue;
Eastbound drivers on Hickory Road at Locust Street;
Southbound drivers on Hill Avenue at Rosewood Avenue;
Westbound drivers on Hillcrest Drive at Burt Street;
Eastbound drivers on Hillcrest Drive at Patterson Street;
Westbound drivers on Hillcrest Drive at Patterson Street;
Southbound drivers on Hillcrest Drive at Snell Street;
Southbound drivers on Hitchcock Lane at Wilmarth Street;
Northbound and southbound drivers on Hodges Street at Elizabeth Street;
Westbound drivers on Holden Street at North Main Street;
Eastbound drivers on Holcott Drive at North Main Street;
Westbound drivers on Holcott Drive at Stobbs Drive;
Westbound drivers on Holly Street at Firglade Drive;
Eastbound and westbound drivers on Holly Street at Greenwich Street;
Eastbound and westbound drivers on Holly Street at Woodbine Street;
Eastbound drivers on Holman Street at Forest Street;
Westbound drivers on Holman Street at Pleasant Street;
Eastbound drivers on Homestead Lane at Pike Avenue;
Northbound drivers on Homestead Lane at Steere Street;
Northbound drivers on Hope Street at Holden Street;
Northbound and southbound drivers on Hope Street at Oak Street;
Southbound drivers on Hope Street at Peck Street;
Westbound drivers on Hood Street at North Avenue;
Westbound drivers on Horton Street at Orr Street;
Northbound drivers on Hudson Street at Carlton Street;
Northbound drivers on Hutchinson Road at Wilmarth Street;
Northbound and southbound drivers on James Street at School Street;

(updated 8/20/2020)
Northbound and southbound drivers on James Street at Pearl Street;
Northbound and southbound drivers on James Street at Maple Street;
Northbound and southbound drivers on James Street at East Street;
Northbound and southbound drivers on James Street at Carpenter Street;
Eastbound and westbound drivers on Jefferson Street at Fourth Street;
Eastbound drivers on Jefferson Street at Second Street;
Westbound drivers on Jefferson Street at Fifth Street;
Westbound drivers on Jessie Avenue at Robinson Avenue;
Eastbound drivers on Jewell Avenue at County Street;
Eastbound drivers on John Street at North Main Street;
Southbound drivers on John William Street at Thacher Street;
Southbound drivers on Josiah Way at Totten Road;
Westbound drivers on Karen Street at Lindsey Street;
Westbound drivers on Keith Drive at North Main Street;
Westbound drivers on Kendall Avenue at Angell Street;
Westbound drivers on Kennedy Drive at Claire Drive;
Northbound drivers on Kingsley Circle at Nathaniel Paine Road;
Eastbound drivers on Knight Avenue at South Main Street;
Westbound drivers on Knight Street at Slater Street;
Westbound drivers on Knott Street at Park Street;
Westbound drivers on Kratz Avenue at North Main Street;
Northbound and southbound drivers on LaFayette Street at Mulberry Street;
Eastbound drivers on Lamb Street at South Main Street;
Southbound drivers on Lamb Street at Thacher Street;
Westbound drivers on Laura Drive at Read Street;
Eastbound drivers on Laurier Avenue at Gardner Avenue;
Northbound and southbound drivers on Landsdown Avenue at Curtis Avenue;
Northbound and southbound drivers on Landsdown Avenue at Guild Avenue;
Southbound drivers on Lathrop Road at South Avenue;
Eastbound drivers on Leedham Street at Mendon Road;
Westbound drivers on Leedham Street at Brown Street;
Westbound drivers on Lexington Avenue at County Street;
Southbound drivers on Lexington Avenue at Thacher Street;
Westbound drivers on Leroy Street at Bank Street;
Eastbound drivers on Lilac Road at Pike Avenue;
Eastbound drivers on Lincoln Avenue at North Main Street;
Southbound drivers on Linden Street at Thacher Street;
Southbound drivers on Lindsey Street at Pleasant Street;
Westbound drivers on Locust Street at South Main Street;
Southbound drivers on Locust Street at Oakhill Avenue;
Eastbound drivers on Long Avenue at Seven Mile River Drive;
Eastbound drivers on Lord Street at Pond Street;
Northbound drivers on Lynwood Circle at Wilmarth Street;
Southbound drivers on Magnolia Street at Brown Street;
Southbound drivers on Magnolia Street at Edgewood Avenue;
Eastbound and westbound drivers on Major Street at Hazel Street;
Northbound drivers on Mann Street at Bacon Street;
Eastbound drivers on Manorhaven Drive at North Main Street;
Eastbound drivers on Maple Street at Park Street;
Westbound drivers on Maple Street at South Main Street;
Northbound and southbound drivers on Martin Street at Maple Street;
Eastbound and westbound drivers on Martin Street at Mulberry Street;
Eastbound and westbound drivers on Martin Street at Orange Street;
Eastbound drivers on May Street at Newport Avenue;
Eastbound drivers on Mayhew Road at North Main Street;
Eastbound drivers on Maynard Street at Forest Street;
Westbound drivers on McKay Street at Buffington Street;
Eastbound drivers on Mechanic Street at North Main Street;
Eastbound drivers on Mechanic Street at Riverbank Road;

(updated 8/20/2020)
Westbound drivers on Mechanic Street at Riverbank Road;
Northbound drivers at the exit of 57 Mechanic Street at Riverbank Road;
Northbound drivers on Melody Drive at West Street;
Westbound drivers on Merritt Place at North Main Street;
Eastbound drivers on Mill Street at Union Street;
Westbound drivers on Mill Street at South Main Street;
Northbound and southbound drivers on Morey Street at Holman Street;
Northbound and southbound drivers on Morey Street at Emory Street;
Northbound and southbound drivers on Morey Street at Falmouth Street;
Southbound drivers on Newport Avenue at West Street;
Southbound drivers on Nora Way at Highland Avenue;
Eastbound drivers on Oak Hill Avenue at Park Street;
Eastbound drivers on Oakhill Meadow’s Way at Richie Road;
Southbound drivers on Old Stagecoach Road at Highland Avenue;
Southbound drivers on Ottawa Street at Louise Street;
Northbound drivers on Park Street (old section) and Park Street at Emory Street;
Eastbound and westbound drivers on Parsonage Way at Cathedral Drive;
Westbound drivers on Peckham Street at Pike Avenue;
Northbound drivers on Pike Avenue at Pleasant Street;
Southbound drivers on Pike Avenue at Wilmarth Street;
Westbound drivers on Pine Road at Robinson Avenue;
Eastbound drivers on Pond Street at West Carpenter;
Eastbound drivers on Preston Road at Pike Avenue;
Northbound drivers on Primrose Lane at Thacher Street;
Northbound drivers on Prince Street at Payson Street;
Southbound drivers on Prince Street at West Street;
Westbound drivers on Prospect Avenue at Park Street;
Eastbound drivers on Prospect Street at Second Street;
Eastbound and westbound drivers on Prospect Street at Third Street;
Eastbound and westbound drivers on Prospect Street at Fourth Street;
Westbound drivers on Raeburn Drive at Locust Street;
Southbound drivers on Railroad Avenue at Mill Street;
Southbound drivers on Rambler Road at Bishop Street;
Northbound and southbound drivers on Rand Avenue at Edgewood Avenue;
Southbound drivers on Rathburn Willard Drive at Thacher Street;
Eastbound and westbound drivers on Read Street at County Street;
Northbound drivers on Read Street at West Street;
Northbound drivers on Reynolds Avenue at Oakhill Avenue;
Westbound drivers on Rex Avenue at Robinson Avenue;
Eastbound drivers on Riverbank Road at Hodges Street;
Northbound drivers on Riverbank Road at Watson Avenue;
Westbound drivers on Riverbank Road at Mechanic Street (southeasterly corner);
*Northbound Drivers on Riverfront Drive at Wall Street;
*Southbound Drivers on Riverfront Drive at Olive Street;
Eastbound drivers on Riverside Avenue at South Main Street;
Northbound drivers on Robert Street at Sixth Street;
Northbound and southbound drivers on Robert Street at Olive Street;
Northbound and southbound drivers on Robert Street at Twelfth Street;
Northbound drivers on Robinson Avenue at Highland Avenue;
Southbound drivers on Robinson Avenue at Mendon Road;
Southbound drivers on Rocklawn Avenue at West Street;
Northbound drivers on Rome Boulevard at West Street;
Southbound drivers on Rome Boulevard at Rathbun Willard Drive;
Southbound drivers on Roosevelt Street at West Street;
Westbound drivers on Russell Avenue at Robinson Avenue;
Southbound drivers on Rutledge Drive at Bacon Street;
Northbound drivers on Rutledge Drive at Bretton Woods Drive;
Eastbound drivers on Sagamore Road at Cypress Street;
Westbound drivers on Sagamore Road at Cypress Street;

(updated 8/20/2020)
Eastbound drivers on School Street at O'Neil Boulevard;
Eastbound and westbound drivers on School Street at Pine Street;
Westbound drivers on School Street at Union Street;
Westbound drivers on Scott Street at Pullman Avenue;
Eastbound drivers on Second Street at County Street;
Southbound drivers on Seven Mile River Drive at County Street;
Northbound drivers on Seven Mile River Drive at Long Avenue;
Southbound drivers on Shaw Street at Pleasant Street;
Eastbound drivers on Sheffield Road at North Main Street;
Eastbound drivers on Sheridan Circle at Pike Avenue;
Southbound drivers on Sheridan Circle at Wilmarth Street;
Westbound drivers on Sixth Street at County Street;
Eastbound and westbound drivers on Slocum Street at Booth Street;
Eastbound drivers on Smith Street at Slater Street;
Northbound drivers on Snowcrest Drive at North Avenue;
Southbound drivers on Solomon Street at Maple Street;
Westbound drivers on Spruce Lane at Park Street;
Westbound drivers on Starr Lane at Park Street;
Eastbound drivers on Steere Street at Pike Avenue;
Southbound drivers on Stobbs Drive at North Avenue;
Northbound and southbound drivers on Sturdy Street at Emory Street;
Eastbound and westbound drivers on Summer Street at Robert Street;
Westbound drivers on Summer Street at County Street;
Northbound drivers on Sunset Lane at Daisy Lane;
Westbound drivers on Sunset Lane at Oak Hill Avenue;
Southbound drivers on Sycamore Avenue at Brown Street;
Westbound drivers on the new access road of Tall Pines Development at Pike Avenue;
Eastbound drivers on Tanager Road at Bank Street;
Westbound drivers on Tanager Road at North Main Street;
Northbound and southbound drivers on Tappan Avenue at Dunham Street;
Westbound drivers on Thacher Street at Lathrop Road;
Northbound drivers on Thacher Street at Snell Street;
Southbound drivers on Thacher Street at South Main Street;
Eastbound drivers on Thayer Farms Road at Pike Avenue;
Southbound drivers on Thayer Farms Road at Wilmarth Street;
Eastbound drivers on Third Street at County Street;
Northbound drivers on Third Street at Mechanic Street;
Eastbound and westbound drivers on Thirteenth Street at Robert Street;
Westbound drivers on Thirteenth Street at County Street;
Eastbound drivers on Thornton Street at Locust Street;
Westbound drivers on Thurber Avenue at South Main Street;
Eastbound and westbound drivers on Tiffany Street at County Street;
Eastbound and westbound drivers on Tiffany Street at South Avenue;
Eastbound drivers on Tiffany Street at South Main Street;
Southbound drivers on Tomlinson Road at Brown Street;
Northbound and southbound drivers on Tondreau Avenue at Thirteenth Street;
Eastbound drivers on Turcotte Street at Robinson Avenue;
Eastbound and Westbound drivers on Turner Street at 330 Turner Street;
Eastbound and westbound drivers on Twelfth Street at Robert Street;
Eastbound drivers on Twelfth Street at Tondreau Avenue;
Westbound drivers on Twelfth Street at County Street;
Westbound drivers on Tyler Street at South Main Street;
Northbound drivers on Union Street at Park Street;
Southbound drivers on Union Street at Carpenter Street;
Eastbound drivers on Upland Road at Bank Street;
Westbound drivers on Upland Road at North Main Street;
Westbound traffic on Valley View Drive at Carrier Avenue;
Eastbound drivers on Veery Road at Bank Street;
Westbound drivers on Veery Road at North Main Street;

(updated 8/20/2020)
Eastbound drivers on Verndale Avenue at Bushee Street;
Westbound drivers on Wall Street at County Street;
Eastbound drivers on Walnut Street at Cherry Street;
Eastbound drivers on Walnut Street at Cumberland Street;
Westbound drivers on Walnut Street at Cumberland Street;
Westbound drivers on Wamsutta Road at North Main Street;
Southbound drivers on the Washington Plaza Exit at Highland Avenue;
Southbound drivers on Water Street at Elizabeth Street;
Northbound drivers on Water Street at West Street;
Eastbound drivers on Watson Avenue at Hodges Street;
Eastbound drivers on Webber Street at South Main Street;
Westbound drivers on Webber Street at Knight Avenue;
Eastbound drivers on West Street at Tiffany Street;
Eastbound drivers on West Street at North Main Street;
Westbound drivers on West Street at Rocklawn Avenue;
Westbound drivers on West Street at South Avenue;
Eastbound drivers on Westfield Road at Pike Avenue;
Northbound drivers on Wheaton Drive at Wilmarth Street;
Eastbound drivers on Wilmarth Street at Slater Street;
Westbound drivers on Wilmarth Street at Park Street;
Westbound drivers on Wolfenden Street at County Street;
Northbound drivers on Woodbine Street at Mendon Road.
Northbound and Southbound drivers on Woodbine Street at Holly Street;

*This ordinance shall become effective upon passage.

10-4.12 Multi-Way Stop Signs (Amended 11/16/99, 1/3/17, 9/19/17, 11/21/17)

In accordance with General Laws, Chapter 89, Section 9, as amended, the following intersections are designated as multi-way stops and the Police Chief is hereby authorized and directed to erect and maintain official "STOP" signs so as to face all traffic entering the intersection.

Bank Street and Peck Street;
Birch Street and Greenhill Avenue;
Brownell Street and James Street;
Brownell Street and Parker Street;
Collins Street and Pullman Avenue;
Dennis Street, Jefferson Street and Rathbun Willard Drive;
Hazel Street and Orange Street;
Hodges Street and Mechanic Street;
James Street and Mulberry Street;
John Street and Hodges Street;
Mendon Road and Brown Street;
O’Donnell Drive at Patterson Street, both sides;
Parker Street at Orange Street;
Pine Street and Dunham Street;
Pine Street and Maple Street;
Pine Street and Mulberry Street;
Quintin Avenue at Edgewood Avenue;
Robinson Avenue and Brown Street;
School Street and Parker Street;
Northbound drivers on Snell Street at Thacher Street;
Third Street and Jefferson Street;

10-4.13 Right Turn Required (Amended 4/17/01)

No driver of a vehicle shall make other than a right turn from the right-hand lane at the following intersection unless otherwise directed by a police officer.
County Street at Thacher Street (southbound traffic required to make a right turn onto Thacher Street westbound).

Emory Street at Pleasant Street (westbound traffic required to make a right turn onto Pleasant Street northbound)

Park Street, westbound to North Main Street northbound;

Pleasant Street, southbound to Park Street (North) westbound;

10-4.14 (Left Turn Required) (Amended 4/17/01) No driver of a vehicle shall make other than a left turn from the left-hand lane at the following intersection unless otherwise directed by a police officer:
North Main Street, southbound to Park Street eastbound;
Park Street, eastbound to Bank Street northbound;

Park Street, (South), eastbound to Pleasant Street northbound;

Section 10-4.15 Operation of Heavy Commercial Vehicles (Adopted 5/5/92, Renumbered 9/5/95) (Amended 6/20/06, 11/13/18)

1. The use and operation of heavy commercial vehicles are hereby restricted on the following named streets or parts thereof and in the manner described:
   Belair Avenue;
   Branch Street;
   Brettonwood Drive, from Mendon Road to Rutledge Drive;
   Brown Street;
   Carlton Street (from 11 P.M. to 7:A.M.
   Claflin Street, from North Main Street to Holden Street;
   Collins Street;
   Clayton Street;
   Handy Street from Park Street to Oak Hill Avenue;
   Newport Avenue (North Attleboro Town Line to intersection at West Street)
   Orr Street;
   Pike Avenue, from Pleasant Street to Bishop Street;
   Read Street (West Street - County Street);
   Riverside Avenue/Ellis Street;
   Roadway A;
   Robinson Avenue;
   Sixth Street, from County Street to Robert Street;
   Tiffany Street, from Commerce Way to County Street;
   Wolfenden Street, from County Street to Robert Street;

2. Paragraph One of this section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to Federal, State, Municipal or public service corporation owned vehicles.

3. For the purposes of this section, a heavy commercial vehicle is defined as any commercial vehicles having a carrying capacity in excess of two and one-half (2 1/2) tons.

10-4.16 (Yield Signs) Adopted 6/26/01 (amended 6/24/14, 1/3/17, 11/21/17)

In accordance with General Laws, Chapter 89, Section 9 as amended, the following streets are designated as yield streets and the Police Chief is hereby authorized and directed to erect and maintain an official “YIELD” sign or signs as so to face:

And further to add the following in proper alphabetical order:

Carpenter Avenue to be located at Bliss and Frenier Avenue;
Eastbound and westbound drivers on Clayton Street at Hudson Street;

(updated 8/20/2020)
Northbound Drivers on Deerfield Avenue, northbound at Fontaine Street;
Eastbound drivers on Fontaine Avenue at Breton Woods Drive;
Westbound drivers on Heather Street, at Como Drive;
Northbound drivers on Intervale Road at Thirteenth Street;
Eastbound drivers on Jewel Avenue at Verndale;
Eastbound driver on Kennedy Drive at Whalen Drive;
Westbound drivers on Lamb Street at the Thacher Street Bridge;
Westbound drivers on Lussier Avenue at the intersection of Mendon Road, northbound and southbound;
Eastbound drivers on Pembroke Avenue at Verndale;
Northbound on Pembroke Avenue at Verndale Avenue;
Southbound on Pembroke Avenue at Hawthorne Street;
Southbound drivers on Pleasant Street to Park Street Southbound;
Westbound drivers on Rossman Street to Bretonwood Drive;
Westbound drivers on Thacher Street at Snell Street;
Eastbound drivers on Thirteenth Street at John Williams Street
North and Southbound Drivers on Westminster Street at Bacon Street;
Westminster Avenue at Mendon Road;

10-4.17 Temporary Speed Humps/Speed Cushions (Adopted 10/7/14)

Definition:
   a. Temporary Speed Hump/Cushions are Traffic Calming measures involving the profile and surface of the street and are specifically appropriate for minor collectors and local roads. Hump/Cushions and elevated segments of streets are intended to let vehicles operating at intended speed (15 MPH) to pass upon them with little or no discomfort to the driver or vehicles and are an effective measure for controlling speeds.

b. Conditions:
   - Temporary Speed humps/cushions are restricted to residential secondary streets that have been identified as popular alternate or cut through routes to avoid traffic delays and that posted speed limits are 30 MPH, or less;
   - May never be installed on primary or through roadways;
   - May be placed on streets only between April 1st and October 31st;
   - Must be installed using the accepted proper signage in advance of the location;
   - Speed limit shall be posted at 15 MPH crossing speed.

c. Placement: The use of Temporary Speed Hump/Cushions will be determined and installed at the direction of the Police Chief for traffic enforcement purposes. Residents on the specific residential secondary streets will be notified in writing one week prior to the implementation of this measure by the Police Department. This shall be on a temporary basis for a limited time of no more than 210 days per location.

d. Effective Date: This ordinance shall become effective immediately upon satisfaction of the requirements of M. G. L. c. 90, s 18.

10-4.18 Permanent Traffic-Calming Devices (Adopted 10/1/19)

1. Definition:
   a. Traffic-calming devices are speed humps, speed cushions or tables. Speed Hump/Cushions involving the profile and surface of the street and are specifically appropriate for minor collectors and local roads.
   b. Hump/Cushions and elevated segments of streets are intended to let vehicles operating at intended speed (15 MPH) to pass upon them with little or no discomfort to the driver or vehicles and are an effective measure for controlling speeds.

2. Conditions:
   a. Traffic-calming devices may only be installed within the property limits of a municipal facility, such as a school, public works facility or administrative complex. If a city roadway is located both within a municipal facility and outside said facility, a traffic-calming device may only be located within the portion of the roadway within the municipal facility and 500 feet beyond its boundary.
   b. Traffic-calming devices may only be installed within the portion of a roadway located within a municipal complex and 500 feet beyond the municipal complex and shall be posted with a speed limit of 30 MPH, or less.
   c. Traffic-calming devices shall not be installed on primary or through roadways.
   d. Proper signage shall be located within 10 feet of traffic-calming devices.

(updated 8/20/2020)
e. Speed limits shall be posted at 15 MPH crossing speed.

3. Placement:
   a. The placement of traffic-calming devices shall be determined and recommended by the administrative leader of the municipal facility to the mayor who will refer such request to the Traffic Study Commission. Upon study and a recommendation from the Traffic Study Commission, the mayor may cause the Traffic calming devices to be installed with or without conditions, including denial of the request.
   b. The mayor shall notify the municipal council of any traffic-calming devices installed at municipal facilities, however municipal council confirmation is not required.
   c. Effective Date: This ordinance shall become effective immediately upon satisfaction of the requirements of M.G.L. c. 90, s 18.

Section 10-5 Parking

10-5.1 General Prohibitions (amended 6/24/10)

No person shall park a vehicle in any of the following places:

   a. Within an intersection.
   b. Upon any sidewalk.
   c. Upon any crosswalk.
   d. Upon the roadway in a rural or sparsely settled district.
   e. Upon a roadway where parking is permitted. Unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within twelve (12) inches of the curb.
   f. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
   g. Upon any street or highway within five (5) feet of a fire hydrant.
   h. Upon or in front of any private road or driveway or within five (5) feet of a driveway.
   i. Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
   j. Within twenty (20) feet of the driveway entrance to any Fire Station on both sides of the street. The Police Chief shall place signs indicating where parking is prohibited under this section.
   k. Upon any bridge or under any railroad overpass.
   l. On any public way between the hours of 11:00 p.m. and 6:00 a.m. from December 1st to March 31st, inclusive; provided, however, that the time limits existing between the hours of 8:00 a.m. and 6:00 p.m. as established by these ordinances shall apply during these hours, and where no time limit is determined by this ordinance, then a one-hour limit shall prevail.
   m. Parking of an unregistered motor vehicle or a motor vehicle without a valid inspection sticker on the public streets, or within any municipally owned parking area, will be in violation of the City of Attleboro and subject to a parking fine.

Vehicles found in violation of the provisions of this section may be removed by or under the direction of an officer and at the expense of the owner to a place designated by the Police Chief.

10-5.2(A) Prohibited on Certain Streets (amended 7/23/15, 12/20/16, 5/30/17, 8/17/17, 10/17/17, 12/19/17, 2/6/18, 12/17/19, 2/4/20, 6/16/20)

Upon the following streets or highway or parts thereof parking is hereby prohibited:

Academy Street, easterly from North Main Street to Sanford Street;
Academy Street, easterly side, 120 feet from North Main Street;
Angeline Street, both sides;
Angell Street, easterly side, 105 feet from Pleasant Street;
Ashton Road easterly side from West Street to Lincoln Avenue;
Atwood Street, northerly side;
Atwood Street, southerly side for a distance of 75 feet;
Bacon Street, both sides, from Washington Street to Rutledge Drive;

(updated 8/20/2020)
Bank Street, westerly side, from Park Street to 250 feet northerly of Peck Street;
Barrows Street, northerly side from Washington Street to Newport Avenue;
Beacon Street, southerly side;
Beagle Club Road, easterly side, from 20 feet northerly of West Street to the Water Department/Emergency equipment access gate;
Beagle Club Road, westerly side, from the Water Department/Emergency equipment access gate southerly for a distance of 100 feet;
Berwick Road, easterly side from 100 feet from Mechanics Street for a distance of 600 feet;
Bishop Street, northerly side, 1,000 feet in from Park Street;
Bishop Street, southerly side, 750 feet from Park Street;
Branch Avenue, (easterly and westerly side) from the corner of #50 Ottawa Street at a distance of 290 ft. to the corner of #24 Branch Avenue;
Brook Street, westerly side
Brook Street, easterly side from Park Street to Falmouth Street;
Brown Street from the intersection of Mendon Road westerly 120 feet;
Brown Street, northerly side, 120 feet easterly of Mendon Road;
Bushee Street, southerly side, from Hawthorne Street to Verndale Avenue;
Cambridge Street, both sides;
Capron Street, northerly side;
Capron Street, southerly side, 55 feet westerly of South Main Street,
Captain Courtois Drive, Westerly side for a distance of 85 feet, from County Street (No Parking to Corner* sign);
Carleton Street, northerly side, from Washington Street (RT. 1) to Buffington Street;
Carleton Street, southerly side, 35 feet from Washington Street (RT.1);
Carlon Street, southerly side;
Carpenter Street, both sides, from South Main Street to Union Street;
Cliff Street, southerly side, from Second Street to Riverbank Road;
Clifton Street (Old), both sides and including the turn-around circle;
Collins Street, both sides, 2000 feet westerly of Newport Avenue;
County Street, both sides, west of North Main Street/South Main Street for a distance of 160 feet;
County Street, easterly side, 110 feet southerly of Thacher Street;
County Street, easterly side, south of Wall Street for a distance of 80 feet southerly;
County Street, northerly side, from Park Street to County Square;
County Street, southerly side, from Park Street to Thacher Street;
County Street, southerly side, from 30 feet easterly of East Fourth Street to 30 feet westerly of East Fourth Street;
County Street, southerly side from 226 feet easterly of East Fourth Street to 246 feet;
County Street, southerly side from 277 feet easterly of East Fourth Street to 297 feet;
County Street, southerly side, from 30 feet easterly of Sixth Street;
County Street, southerly side, from 30 feet easterly of East Fourth Street to thirty feet westerly of East Fourth Street;
County Street, southerly side, 58 feet westerly from Wall Street;
County Street southerly side, from 65 feet easterly of Wall Street;
County Street, westerly side, from Chestnut Street to Thacher Street;
Crandall Court, both sides
Curtis Avenue, southerly side, 945 feet easterly from Washington Street for a distance of 165 feet;
Dean Street, northerly side, from Bank Street to North Main Street;
Dean Street, northerly side, from Bank Street to Perrin Street;
Deanville Road, both sides, 1345 feet westerly of North Avenue;
Dennis Street (easterly side) from Franklin Street to Mechanic Street;
Dunham Street, southerly side from Tappan Avenue to property line at 109 Dunham Street;
Dunham Street, southerly side, from Union Street to O'Neil Boulevard;
East Street, southerly side, from South Main Street to Pine Street;
East Street, southerly side, 50 feet westerly of O'Neil Boulevard;
East Bacon Street; northerly side, 75 feet from Washington Street;
East Bacon Street, southerly side, 125 feet easterly from Washington Street;
East Fourth Street, easterly side;
East Fourth Street westerly side, 30 feet southerly from County Street;
Eddy Street, both sides;
Edgewood Avenue, southerly side from Quintin Avenue to Washington Street;
Eldridge Street, northerly side from County Street to Dennis Street; (effective upon passage 10/17/17)
Eldridge Street, southerly side, for a distance of forty (40') from the intersection with County Street (effective upon passage 10/17/17)
Elizabeth Street, southerly side, from North Main Street to Hodges Street;
Emory Street from Hillside Avenue to Torrey Street (both sides);
Emory Street, northerly side, 60 feet easterly of Brook Street;
Emory Street, northerly side, from Morey Street to Pleasant Street;
Emory Street, southerly side, from Morey Street to Pleasant Street;
Falmouth Street, northerly side, from Morey Street to Brook Street;
Falmouth Street, southerly side, from Pleasant Street to Morey Street;
Fifth Street easterly side from County Street to Jefferson Street;
First Street, westerly side;
Forest Street, easterly side, from Pleasant Street to Falmouth Street;
Forest Street, westerly side, from Emory Street to Park Street;
Forest Street, westerly side, from Pleasant Street to Maynard Street;
Foster Street, easterly side, from Dean Street to the end;
Fourth Street, westerly side, from County Street to Mechanic Street;
Frenier Avenue, both sides, from South Main Street to Hebron Avenue;
Garden Street, easterly side;
Gardner Street, northerly side, from Pine Street to Robbins Street;
George Street easterly side, from Maple Street to Park Street;
George Street westerly side, from Pearl Street to Dunham Street;
Gustin Avenue, easterly side;
Hayward Street, northerly side;
Hazel Street, easterly side, from Pearl Street to East Street;
Hazel Street, westerly side, from School Street to 150 feet Southerly of Pearl Street;
Highland Avenue, southerly side, 580 feet westerly of Route 1;
Highland Street, northerly side;
Holcott Drive, southerly side from North Main Street to Stobbs Street;
Hodges Street, westerly side, from Elizabeth Street southerly to the end;
Holden Street, both sides, from Kendall Avenue to Hope Street or Hope Street Extension;
Holman Street, southerly side, from Pleasant Street to Brook Street;
Hood Street, southerly side 648 feet in from North Avenue;
Hope Street, westerly side, 55' northerly of Peck Street;
Horton Street, southerly, from Gustin Avenue to Forest Street;
Howard Avenue, both sides;
James Street, easterly side, from School Street to East Street;
James Street Extension, northerly from Park Avenue to James Street;
James Street, westerly side, between East Street and Carpenter Street;
Jefferson Street, northerly side from Second Street to Fifth Street;
Jefferson Street, northerly side, westbound, from Fifth Street to Dennis Street;
Jewel Avenue, northerly side from County Street for a distance of 50 feet;
John Street, both sides, 50 feet westerly of North Main Street;
John Street, southerly side, from 50 feet westerly of North Main Street to Hodges Street;
John Street, southerly side, from 50 feet westerly of North Main Street to State Street;
Kendall Avenue, westerly side, from Starkey Avenue to Angell Street;
Lexington Avenue, northerly side, from County Street to Thacher Street;
Linden Street, both sides, from Birch Street to Palm Street, on Sundays between the hours of 6:00 A.M. to 1:00 P.M.
Locust Street, both sides from Bayberry Hill Road to Marlise Drive;
Maple Street, southerly side, from Day Street to O'Neil Boulevard;
Maple Street, northerly side, from Pine Street to South Main Street;
Maple Street, southerly side, from Pine Street to South Main Street;
Martin Street, easterly side, from Orange Street to the end of the Street southerly;
May Street, northerly side, from 125 feet easterly of Washington Street to 110 feet westerly of Washington Street;
May Street, southerly side, from 125 feet easterly of Washington Street to 100 feet westerly of Washington Street;
Maynard Street, northerly side, from Forest Street to 150 feet westerly of Forest Street;
Maynard Street, southerly side, from Morey Street to Forest Street;
Mechanic Street, northerly side, 62 feet easterly from Hodges Street to Dennis Street;
Mechanic Street, southerly side, from North Main Street to Riverbank Road;
Mechanic Street, southerly side, 40 feet westerly from Third Street;
Melody Drive, southerly side 70 feet from Drummond Street;
Mendon Road, westerly side 125 feet southerly from Collins Street;
Mendon Road, southerly side, from Woodbine Street to Greenwich, Street,
Merritt Place, southerly side;
Mill Street, northerly side, from Union Street to South Main Street;
Mill Street, southerly side, from 245 feet westerly of Union Street to 360 feet
westerly of Union Street;
Monroe Avenue, easterly side;
Morey Street, easterly side, from Park Street to Maynard Street;
Morey Street, westerly side, from Maynard Street to Falmouth Street;
Mulberry Street, northerly side, from Lafayette Street to South Main Street;
Newport Avenue, both sides, from Roy Avenue to Route 1A;
North Main Street, both sides, northerly of the intersection of Park Street/County Street for a distance of 200 feet northerly;
North Main Street, easterly side, from 85 feet northerly of Park Street to West Street;
North Main Street, westerly side, from County Street to John Street;
North Main Street, westerly side, from County Street to John Street;
North Avenue, easterly side, 20 feet northerly and 20 feet southerly of the exit at Brookside
Elderly Housing, 41 North Avenue;
Oak Street, northerly side, from Pleasant Street to Foley Street;
Oak Street, southerly side, 20 feet from Pleasant Street and 20 feet from Shaw Avenue;
Olive Street, northerly side, from County Street to Olive Street Bridge;
Olive Street, southerly side, from County Street to Olive Street Bridge;
Olive Street, northerly side, from Robert Street to County Street;
O'Neil Boulevard, easterly side;
O'Neil Boulevard, westerly side, 50 feet northerly of Maple Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of East Street to 50 feet northerly of East Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of School Street to 50 feet northerly of School Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of Pearl Street to 50 feet northerly of Pearl Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of Atwood Street to 50 feet northerly of Atwood Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of Dunham Street to 50 feet northerly of Dunham Street;
O'Neil Boulevard, westerly side, from 50 feet southerly of Gardner Street to 50 feet northerly of Gardner Street;
Orange Street, southerly side, from South Main Street to Day Street;
Owen Street, northerly side, easterly, from Washington Street for a distance of 87 feet;
Owen Street, southerly side from Washington Street to Buffington Street;
Park Avenue, westerly side;
Park Street, northerly side, from Book Street to Sturdy Street end;
Park Street, both sides from Garfield Avenue to Hillside Avenue;
Park Street, northerly side, from Pleasant Street to Brook Street;
Park Street, northerly side, from Railroad Arch to Pleasant Street;
Park Street, northerly side, from 150 feet easterly of Brook Street to 120 feet westerly of Sturdy Street;
Park Street, southerly side, from O'Neil Boulevard to George Street;
Park Street, southerly side, west of Railroad Avenue for a distance of 70 feet westerly;
Park Street, southerly side, from 35 feet westerly of Union Street to Union Street;
Parker Court, southerly side for a distance of 72 feet from Parker Street;
Parker Street, Wasterly side from Dunham Street to East Street;
Parker Street, westerly side from East Street to Carpenter Street;
Pearl Street northerly side, from Parker Street to O'Neil Boulevard;
Pearl Street, northerly side, from Union Street to Pine Street;
Pearl Street, southerly side, from Union Street to O'Neil Boulevard;
Peck Street, northerly side;
Peck Street, southerly side;
Perrin Street, westerly side;
Picard Road, southerly side, from Newport Avenue to dead end;
Pine Street, westerly side from 30 feet northerly of Carpenter Street;
Pine Road, northerly side, from 370 feet westerly of Washington Street to 170 feet westerly of Washington Street;
Pine Street between the "no parking to corner" sign, northbound at Maple Street, westerly side for a distance of sixty-four feet,
five feet before the curb cut for the parking lot.

(updated 8/20/2020)
Pine Street, easterly side, 95 feet northerly from Maple Street;
Pine Street, easterly side, from Park Street to Orange Street;
Pine Street, westerly side, from 135 feet northerly of Dunham Street;
Pine Street, westerly side, from 125 feet southerly of Park Street;
Pine Street, westerly side, from 150 feet northerly of Pearl Street to Pearl Street;
*Pleasant Street, easterly side, from Park Street to Perry Avenue;
*Pleasant Street, westerly side, from Park Street to Lindsey Street;
Prospect Street, southerly side, from Fourth Street to Fifth Street;
Prospect Street, northerly side, from Second Street to Fourth Street;
Quintin Avenue, southerly side from Washington Street for a distance of 70 feet to Pole #641;
Railroad Avenue, easterly side, for a distance of 70 feet southerly from Park Street;
Railroad Avenue, westerly side from 70 feet southerly of Park Street to Mill Street;
Rathbun Willard Drive, easterly side, at the intersection of Green Drive for a distance of 50 feet northerly;
Rathbun Willard Drive, easterly and westerly from 570 feet northerly of Thacher Street to 720 feet northerly of Thacher Street;
Rathbun Willard Drive, southerly side, from 755' westerly of Berndt Drive to 1277' easterly of Dennis Street;
Read Street, both sides, from West Street to 2000 feet southerly of West Street;
Riverbank Road, easterly side, from County Street to Cliff Street;
Riverbank Road, southerly side, 40 feet easterly from Cliff Street;
*Riverfront Drive, easterly side, from Wall Street to Olive Street;
*Riverfront Drive, westerly side, from the intersection of Olive Street 350 feet north;
*Riverfront Drive, westerly side, from the intersection of Wall Street 450 feet south;
Robert Street, southerly side, from Sixth Street to 200 feet westerly of Olive Street;
Robert Street, westerly side, from Summer Street to Thirteenth Street;
Rosewood Avenue, Southerly side, 90 feet westerly of Washington Street;
Rosewood Avenue, northerly side, 250 feet westerly of Washington Street;
Rutledge Road westerly side, from Bacon Street to Rossman Street;
Sanford Street, northerly side;
School Street, southerly side, from Union Street to O'Neil Boulevard;
Scott Street, southerly side 100 feet from Route 1.
Second Street, westerly side, from County Street to Cliff Street;
Shaw Street, easterly side, from Pleasant Street to Shaw Avenue;
Sixth Street, westerly side;
South Avenue, easterly side, southerly from Davis Street 400 feet to 200 feet beyond Lathrop Drive;
South Main Street, easterly side, from Capron Street to Maple Street;
South Main Street, easterly side, from Fisher Avenue to Fuller Avenue;
South Main Street, easterly side, from Tiffany Street to Thurber Avenue;
South Main Street, westerly side, southerly of the intersection of Park Street/County Street for a distance of 40 feet southerly;
South Main Street, westerly side, from 100 feet southerly from Railroad Arch;
*Starkey Avenue, northerly side, 255 feet westerly of Pleasant Street to Pleasant Street;
*Starkey Avenue, southerly side, from 255 feet westerly of Pleasant Street to Pleasant Street;
Stead Avenue, northerly side, from Phillips Street to a point 600 feet west of Phillips Street;
Sturdy Street, easterly side, 60 feet from Park Street to Emory Street;
Sweetland Avenue, northerly side, 240 feet westerly of Washington Street;
Tappan Avenue, westerly side, from Park Street to Dunham Street;
Thacher Street, both sides, from 100 feet westerly of County Street to 100 feet easterly of County Street;
Third Street, westerly side, from County Street to Prospect Street;
Turner Street, southerly side, from Washington Street to Mendon Road;
Union Street, easterly side from Park Street to Carpenter Street;
Union Street, westerly side, 100' from the southerly and northerly side of East Street;
Union Street, westerly side, 130 feet northerly of Mill Street;
Union Street, westerly side, 60 feet northerly of Mill Street to Pearl Street;
Union Street, westerly side, 37 feet southerly from Park Street from 85 feet southerly of Park Street to 125 feet southerly of Park Street, and from 26 feet northerly of Maiden Lane to Maiden Lane;
Wall Street, both sides, from County Street to South Main Street;
Wamsutta Road, northerly side, 315 feet from North Main Street;
Water Street, easterly side, from Milk Street to Water Street Bridge;
Water Street, westerly side from Hodges Street to Milk Street;
Water Street, westerly side, from the intersection of Hodges Street up to Milk Street;

(updated 8/20/2020)
West Street, northerly side, from North Main Street to Prince Street;
West Street, southerly side, from Berwick Road to 450 feet easterly of Berwick Road;
West Street, northerly side, 100 feet easterly of Newport Avenue;
Westminster Street, easterly side from the intersection of Bacon Street to the intersection of Turner Street;
Westminster Street, westerly side from Bacon Street, southerly for a distance of 100 feet;

*This ordinance shall become effective upon passage.

10-5.2(B) Prohibited on Certain Streets  (adopted  4/1/2014, amended 8/17/17)

Upon the following streets or highway or parts thereof parking or STANDING is hereby prohibited:

*Riverfront Drive, between Olive Street and Wall Street, except in designated parking spaces;
South Main Street, westerly side, southerly, from Wall Street to Railroad Arch;
South Main Street, easterly side, northerly, from Railroad Arch to Mill Street;

*This ordinance shall become effective upon passage.

10-5.3  Time Limited on Designated Places (amended 5/7/2013 & 8/21/2014, 8/17/17, 12/17/19, 6/16/20)

A. No person shall park a vehicle for longer than three (3) hours at any time between the hours of 8:00 A.M. and 6:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereon:

Mullaney Twins parking Lot (South Main Street);
South Main Street, easterly side, from Park Street southerly to Mill Street, only in designated parking spaces;
South Main Street, westerly side, from County Street to Mill Street;

A (1) Exemption: Senior citizens utilizing the Reverend Larson Senior Center, Monday through Friday from 9 A.M. to 4 P.M. excluding weekends and holidays in the Mullaney Twins Parking Lot are exempt from the three (hour) parking provided that they display the Colored Placard in their vehicle

B. No person shall park a vehicle for longer than two (2) hours at any time between the hours of 8:00 A.M. and 6:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereon:

Taxi cab stand parking space and “One Hour Parking” spaces on the northerly side of Park Street between Bank Street and the railroad archway be eliminated.

Academy Street, easterly side 140 feet from Sanford Street;
Angeline Street, both sides;
Atwood Street, southerly side;
Bank Street, easterly side, from 125 feet northerly of Peck Street to 242 feet northerly of Peck Street;
Bushee Street, northerly side, from Globe Street to Verndale Avenue;
Capron Street, southerly side, from Union Street to 55 feet westerly of South Main Street;
County Street, southerly side, from 30 feet westerly of East Fourth Street to 30 feet easterly of Sixth Street;
County Street, southerly side from South Main Street to First Street;
County Street, southerly side from Sixth Street to 58 feet westerly of Wall Street;
County Street, southerly side, from 220 feet westerly of Wall Street to 30 feet easterly of East Fourth Street;
Dean Street, southerly side, from North Main Street to Perrin Street;
Dunham Street, northerly side from Pine Street to Park Avenue;
Dunham Street, northerly side, from Union Street to Pine Street except 22 feet easterly from Crandall Court;
Falmouth Street, southerly side, from Brook Street to Forest Street;
Fifth Street, westerly side, from County Street to Denis Street;
Forest Street, westerly side, from Maynard Street to Falmouth Street;
Fourth Street, easterly side, from Franklin Street to Mechanic Street;
Gardner Street, southerly side from Pine Street to Park Avenue;
Hayward Street, southerly side;
Hazel Street, westerly side, from Pearl Street to 150 feet southerly of Pearl Street;
Hazel Street, westerly side, from School Street to East Street;

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James Street, westerly side, from Atwood Street to East Street;
Maynard Street, northerly side, from Morey Street to 150 feet westerly of Forest Street;
Mechanic Street, northerly side for a distance of 44 feet from Hodges Street;
Morey Street, westerly side;
Park Avenue, easterly side, from Park Street to Dunham Street;
Park Street, northerly side easterly of Bank Street for a distance of 185 feet;
Park Street, southerly side, from 28 feet easterly of Pine Street to a distance of 110 feet easterly of Pine Street;
Park Street, southerly side, 28 feet easterly of Pine Street, to 460 feet easterly of Pine Street at the Corner of Park Avenue;
Park Street, southerly side from Railroad Avenue to Railroad Arch;
Park Street, southerly side, 95 feet easterly from Union Street, and 28 feet easterly from Railroad Arch;
Park Street, southerly side, from 95 feet easterly of Union Street to O'Neil Boulevard;
Parker Street easterly side from Dunham Street to East Street;
Pine Street westerly side from 20 feet southerly of Maple Street, to 5 feet before driveway, a distance of 30 feet;
Pine Street, westerly side, from Park Street to Pearl Street;
Railroad Avenue, easterly side, from 90 feet southerly of Park Street to Mill Street;
Railroad Avenue, southerly direction, westerly side, a distance of 50 feet from Park Street to a distance of 70 feet from Park Street;
Riverbank Road, southerly, 40 feet easterly from Cliff Street to County Street;
Sanford Street, southerly side, from North Main Street to Bank Street
School Street, northerly side, from James Street to O'Neil Boulevard;
School Street, northerly side from Parker Street to O'Neil Boulevard;
School Street, northerly side from Pine Street to O'Neil Boulevard;
South Main Street, westerly side, from 100 feet southerly of the Railroad Arch to Beacon Street;
Tappan Avenue, westerly side, from Park Street to Dunham Street,
Union Street, easterly side, from Park Street to Dunham Street;
Union Street, westerly side, from 220 feet southerly of Park Street to 26 feet northerly of Maiden Lane, and from Maiden Lane to 130 feet northerly of Mill Street;
Verndale Avenue, both sides, from Bushee Street to Pembroke Avenue.

C. No person shall park a vehicle longer than (90 minutes) at any time between the hours of 8:00 A.M. and 6:00 P.M. on any day except Sunday and Legal Holidays on the following streets:

   North Main Street, easterly side, 60 feet northerly from Park Street;

D. No person shall park a vehicle longer than (1) hour at any time between the hours of 8:00 A.M. and 6:00 P.M. on any day except Sunday and Legal Holidays on the following streets: (Amended 2/1/11)

   Bank Street, easterly side, 44 feet northerly of Park Street to Sanford Street;
   Hodges Street, easterly side, between Mechanic Street and St. John's School;
   Park Street northerly side, from North Main Street to Bank Street;
   Park Street, southerly side, from South Main Street to Railroad Avenue;
   Pine Street, easterly side from 20 feet southerly of Maple Street to 5 feet before driveway for a distance of 30 feet;
   South Main Street westerly side, for a distance of 35 feet southerly of Mill Street;

E. No person shall park a vehicle for longer than fifteen (15) minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereof:

   Holman Street, Northerly side, westbound, 20 feet from Pleasant Street;
   Mill Street, southerly side, from 65 feet westerly of Union Street to 110 feet westerly of Union Street;
   Park Street, southerly side, 79 feet westerly of Union Street to 199 feet westerly of Union Street;
   Union Street, westerly side, 56 feet southerly from Park Street.

F. Deleted 4/16/96

G. No person shall park a vehicle between the hours of 1:30 A.M. and 6:00 A.M. on the streets in the downtown business district.

H. No person shall park a vehicle for longer than three (3) hours at any time between the

(updated 8/20/2020)
hours of 8:00 A.M. and 6:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereof:

Bank Street Parking Lot

I. No person shall park a vehicle for longer than three (3) hours at any time between the hours of 7:00 AM and 7:00 PM any day except Sundays and Legal Holidays on the following streets or parts thereof:

Beacon Street, northerly side, from South Main Street to Garden Street;

J. No person shall park a vehicle for more than (3) hours at any time between the hours of 8:00 A.M. to 10:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereof:

Fifth Street, westerly side from Jefferson Street to County Street;

K. No person shall park a vehicle for more than (4) hours at any time between the hours of 8:00 A.M. to 10:00 P.M. on any day except Sundays and Legal Holidays on the following streets or parts thereof:

County Street, south side from 183 feet easterly of East Fourth Street to 145 feet easterly of Sixth Street, an area after the Fifth Street intersection;

L. No person shall park a vehicle longer than (1) hour at any time between the hours of 6 A.M. to 6 P.M. on any day except Sundays and Legal Holidays on the following streets:

County Street, southerly side, from 70 feet westerly of Wall Street to 280 feet westerly of Wall Street;

M. No person shall park a vehicle longer than (2) hours at any time between the hours of 7:00 A.M. and 7:00 P.M. on any day except Sunday and Legal Holidays on the following streets:

Brook Street, easterly side from Maynard Street to Falmouth Street;
Riverbank Road, westerly side, from Watson Avenue south, for a distance of 125 feet;
Watson Avenue, northerly side, from 347 feet westerly of Hodges Street for a Distance of 100 feet;
Watson Avenue, southerly side, from Riverbank Road for a distance of 130 feet, Easterly;

N. No person shall park a vehicle longer than (3 hours) at any time between the hours of 7:00 A.M. and 12 P.M., Monday thru Friday except Legal Holidays on the following streets:
Manchester Street and Ellis Street;
Pine Street, westerly side, from Dunham Street to Carpenter Street;
School Street, northerly side, from Pine Street to Union Street;

O. No persons shall park a vehicle between the hours of 8:00 A.M. and 9:30 A.M. and again between the hours of 2:00 P.M. and 4 P.M., on school days only:

Westerly side of James Street, between Brownell Street and the property line of Peter Thacher School.

P. No persons shall park a vehicle between the hours of 6:00 A.M. to 6:00 P.M. from Monday through Friday on the following street or parts thereof:

Dunham Street, northerly side from 20 feet of the intersection of Union Street and Dunham Street, for a distance of 51 feet;

Q. No person shall park a vehicle longer than (3hours) at any time between the hours of 7 a.m. and 12 p.m. Monday through Friday, except legal holidays:

First Street, easterly side, from County Street to Grove Street.
Second Street, easterly side, from County Street to Cliff Street.

This ordinance shall become effective upon passage.

(updated 8/20/2020)
R. No person shall park a vehicle between t hours of 11:00 p.m. and 6:00 a.m. in the Municipal Parking Garage on Sanford Street, unless such vehicle displays a valid monthly pass.

S. (deleted 6/18/19)

T. No person shall park a vehicle from dusk to dawn on Grant Street and Lake Shore Drive, easterly side, adjacent to Prosperity Park

U. No person shall park a vehicle for longer than three (3) hours at any time on the following streets:

Riverfront Drive, in designated spots only.

This ordinance shall become effective upon passage.

10-5.4 Bus Stops

No person shall park a vehicle other than a bus in a bus stop. No person shall park a bus upon any street within a business district at any place other than a bus stop when a nearby bus stop is available for use.

10-5.5 Service Zone

No person shall park a vehicle upon any street in any service zone for a period of time longer than fifteen (15) minutes, except while actually engaged in loading and unloading, provided that such loading and unloading does not exceed a period of time longer than one-half (1/2) hour.

10-5.6 Time Limited Loading and Unloading in Designated Places

No commercial vehicle shall load and unload (except a commercial vehicle parked in a a legal parking space) between the hours of 11:30 A.M. to 1:30 P.M. inclusive and 4:30 P.M. to 6:30 P.M. inclusive on any of the following streets or parts thereof:

Bank Street, between Sanford Street and Park Street;
County Street, between Second Street and Park Street;
Emory Street, between Morey Street and Pleasant Street;
Park Street, between Pine Street and County Street;
Pleasant Street, between Peck Street and Park Street;
Railroad Avenue;
Riverbank Road, westerly side for forty (40) feet northerly from a point 106 feet in from County Street;
South Main Street, between Wall Street and Park Street;
Union Street, between Capron Street and Park Street.

10-5.7 Parking Vehicles for Sale Prohibited

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

10-5.8 Exemptions

Sections 10-5.2 and 10-5.3 of these ordinances shall not apply to funeral vehicles or to vehicles parked during church services when the Police Chief determines such exemption is safe and reasonable and while signs erected by the Police are in view. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

10-5.9 Reserved Parking (Amended 2/17/04)

A reserved parking location for Council on Aging vehicles is hereby established on the westerly side of South Main Street from 186 feet southerly of County Street, to 245 feet southerly of County Street. This reserved parking shall be effective from 7:00 A.M. to 5:00 P.M. weekdays.
A reserved parking location for Official Police vehicles only is hereby established on the westerly side of North Main Street from 20 feet northerly of Hayward Street for a distance of 40 feet. This reserved parking shall be effective from 8:00 A.M. to 4:30 P.M. weekdays.

A reserved parking location for Official Police vehicles only is hereby established on the southerly side of Hayward Street 58 feet from North Main Street. This reserved parking shall be effective from 8:00 AM to 4:30 PM weekdays (3 parking spaces for a total of 60 feet (8' x 10')

10-5.10 Handicapped and Veterans' Parking Spaces (Amended 3/7/06)

The following locations shall be reserved for handicapped persons and disabled veterans whose vehicles bear the distinctive number plates authorized by Section 2 of Chapter 90 of the General Laws:

Bank Street, easterly side, from 125 feet northerly of Park Street to 150 feet northerly of Park Street;
County Street, southerly side, from 185 feet westerly to 205 feet westerly from South Main Street;
North Main Street, westerly side, 40 feet from Mechanic Street for a distance of 20 feet;
Pine Street, southerly side 20 feet westerly from Pine Street to 40 feet westerly from Pine street [1st space (8’ x 20’)].
Pine Street, southerly side from 28 feet easterly from Railroad Arch to 48 feet easterly from Railroad Arch;
Pine Street, southerly side, 32 feet westerly from Union Street to 55 feet westerly from Union Street;
Railroad Avenue, westerly side, 50 feet southerly from Park Street to 70 feet southerly from Park Street;
South Main Street, westerly side, 269 feet southerly from Park Street to 287 feet southerly from Park Street;
South Main Street, easterly side from eighty (80’) feet southerly of Park Street to 100’ southerly of Park Street and the taxi cab stand located on the corner of South Main Street at Park Street be eliminated;
The above five on-street parking spaces are deleted from the provision of Chapter 10-6.4 of the Revised Ordinances of the City of Attleboro.

10-5.11 Prohibited for Limited Time Amended 5/1/12)

a. No person shall park a vehicle between the hours of 7:30 A.M. and 5:00 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular school year, on the following streets or parts thereof:

Frenier Avenue, westerly side, southerly of Carpenter Avenue for a distance of 72 feet.
James Street, easterly side, from Peter Thacher School to Orange Street.

b. No person shall park a vehicle between the hours of 1:30 A.M. and 6:00 A.M. on any day on the following streets or parts thereof:

Gilbert Perry Square

c. No person shall park a vehicle between the hours of 9:00 A.M. and 4:00 P.M. on any day except Saturday, Sunday and Legal Holidays, on the following streets or parts thereof:

West Street, southerly side, from Read Street to the West Street Pumping Station.

d. No person shall park a vehicle between the hours of 7 A.M. through 2 P.M. on any day except Saturday, Sunday and Legal Holidays, during the regular school years, on the following streets or parts thereof:

Fifth Street, westerly side from County Street to Jefferson Street;
Eastbound on Holman Street, from 92 feet west of Forest Street to 5 feet before driveway in front of 93 Holman from 7:30 AM to 4:00 PM;

e. No person shall park a vehicle between the hours of 8 A.M. to 6 P.M. on any day except Saturday, Sunday and Legal Holidays on the following streets:

Mechanic Street, northerly side from Fourth Street easterly for a distance of 105 feet;
Pine Road, northerly side eastbound, be established 20 feet from Washington Street State Route #1, to a distance of 110 feet from Washington Street;
10-5.12 Prohibited in Fire Access Ways

No person shall park a vehicle, or leave a vehicle unattended for any reason whatsoever, within the limits of any private way furnishing the means of access for fire apparatus to any building.

10-5.13 Limited for Commercial Vehicle and Trailers

No person shall park or stand any commercial vehicle or trailer having the capacity of one ton or more for more than one hour on any part of any street or highway, where parking is not otherwise prohibited, provided that this ordinance shall not apply during the actual loading or unloading of goods or materials. No person shall park or stand any trailer or semi-trailer on any part of any street or highway unless said trailer or semi-trailer is attached to a motor vehicle capable of towing it. except during the actual loading or unloading of goods or materials.

Any person who violates this ordinance shall be liable to a fine of ten ($10.00) dollars for each such violation. Said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

10-5.14 Parking in Restricted Areas (Amended 10/1/96)

Restricted Parking is hereby established in the following designated areas. Unauthorized vehicles in these areas shall be subject to a fine of $15.00 in accordance with the provisions of General Laws, Chapter 90, Section 20A, and may be towed at the owners expense.

A. The parking of motor vehicles on city property at City Hall parking lots on Pine Street and Park Street (the former Post Office) shall be limited to those vehicles authorized by the Mayor subject to the approval of the Municipal Council. Visitor parking shall be limited to two (2) hours on weekdays from 8:30 A.M. to 4:30 P.M.

B. The parking of motor vehicles on city property at the Police Station parking lot on Union Street shall be limited to vehicles authorized by the Police Chief.

C. The parking of motor vehicles on City property at the Union Street Fire Station shall be limited to vehicles authorized by the Fire Chief.

D. The parking of motor vehicles on city property at Richardson School shall be limited to vehicles authorized by the Director of the Attleboro Center for Training.

E. The parking of motor vehicle on city property under the control of the School Department shall be limited to those vehicles designated by the appropriate Principal with the approval of the School Committee. The first three rows on the northerly side of the Attleboro High School parking lot shall be limited to those vehicles designated by the Superintendent of Schools with the approval of the School Committee. Visitor parking shall be limited to two hours.

F. SCHOOL BUS PARKING ONLY - 7:00 A.M. - 3:00 P.M. on the northerly side of Webber Street.

Section 10-5.15 Seasonally Prohibited on Certain Streets (deleted 2/4/20)

Section 10-6 Parking Meters

10-6.1 General

The Mayor is hereby authorized and directed to install and maintain parking meters within the areas described in this ordinance, or cause the same to be installed and maintained. For the purpose of this ordinance "parking meter" shall mean a mechanical device placed or erected on any public way or parking lot within the City of Attleboro for the regulation of parking in an individual parking space, but shall not include an automated parking fee collection device as defined in Section 10-7.1.

Each parking meter installed shall indicate by proper legend the legal time established by this ordinance, and when operated, shall at all times indicate the balance of legal parking time permitted, and at the expiration of such period shall indicate illegal or overtime parking. Parking meters shall be installed at intervals of not less than twenty (20) feet apart except in end spaces, and not less than twelve (12) inches nor more than twenty-four (24) inches from the face of the curb. One parking space, indicated by white markings on the pavement, shall be established for each parking meter.

(updated 8/20/2020)
10-6.2 Use of Parking Meters

Whenever any vehicle shall park adjacent to a parking meter during a time when a parking fee is required, the owner or operator of said vehicle shall park within the space designated by pavement marking lines and shall immediately deposit in said parking meter the required coin of the United States for at least the minimum legal parking period as indicated on the parking meter and shall set the mechanism in motion. No vehicle shall remain in the said parking space beyond the maximum of time as indicated on the parking meter.

A parking fee is required between the hours of 8:00 A.M. and 6:00 P.M. on every day except Saturday, Sunday and Legal Holidays during which business establishments are required by law to remain closed.

10-6.3 Parking Meter Fees

Parking meter fees are hereby established as follows:

<table>
<thead>
<tr>
<th>Meter Zones</th>
<th>Time</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twelve-Minute</td>
<td>Twelve</td>
<td>Five cents</td>
</tr>
<tr>
<td>One-Hour Meter Zones</td>
<td>One hour</td>
<td>Ten cents</td>
</tr>
<tr>
<td>Two-Hour Meter Zones</td>
<td>One hour</td>
<td>Ten Cents</td>
</tr>
<tr>
<td></td>
<td>Two hours</td>
<td>Twenty cents</td>
</tr>
<tr>
<td>Two-Hour Meter Zones</td>
<td>Three hours</td>
<td>Twenty-five cents</td>
</tr>
<tr>
<td></td>
<td>Six hours</td>
<td>Fifty cents</td>
</tr>
<tr>
<td></td>
<td>Twelve hours</td>
<td>One dollar</td>
</tr>
</tbody>
</table>

10-6.4 Deleted 6/19/84

10-6.5 Off Street Parking Meters

Bank Street Parking Lot

Deleted by Municipal Council Vote May 19, 1992, vote #11.

10-6.6 Commercial Vehicles

Operators of commercial vehicles may park adjacent to a Parking Meter without depositing a coin for a period not to exceed thirty (30) minutes for purposes of loading or unloading. Parking in excess of this time limit without depositing a coin shall be deemed a violation of the provisions of this ordinance.

10-6.7 Collection and Use of Parking Meter Fees

The Parking Clerk is hereby authorized and directed to collect monies deposited in Parking Meters or to cause the same to be collected. Such monies shall be deposited forthwith with the City Treasurer in separate accounts to be known as Parking Meter Receipts Account and Off-Street Parking Meter Receipts Account. All said monies shall be used by the City for any purpose authorized by General Law.

10-6.8 Enforcement

It shall be the duty of all Attleboro law enforcement personnel to enforce the provisions of this section.

Section 10-7 Automated Parking Fee Collection Devices

10-7.1 General

The Mayor is hereby authorized and directed to install and maintain automated parking fee collection devices within the areas described in this ordinance, or cause the same to be installed and maintained. For the purpose of this ordinance, "automated parking fee collection device" shall mean a mechanical device placed or erected in any parking lot within the City of Attleboro for the regulation of parking and operated at the entrance to the parking area, rather than a device erected for an individual parking space. Each automated parking fee collection device installed shall, when operated, dispense a ticket showing by proper legend the period of legal parking time permitted for the amount of money deposited. At each area where an automated
parking fee collection device is installed, there shall be erected a sign indicating that the area is controlled by said device and showing instructions for its operation.

10-7.2 Use of Automated Parking Fee Collection Devices

Whenever any vehicle shall park in an area designated to be controlled by an automated parking fee collection device during a time when a parking fee is required, the owner or operator of said vehicle shall, upon entering said area, deposit in said device the required coin of the United States for at least the minimum legal parking period as indicated on the sign within the area, and shall receive the ticket being dispensed. The owner or operator shall then park within one space as designated by pavement marking lines, and shall place the said ticket upon the driver's side dashboard of the vehicle in a manner so that the legend printed on the ticket is clearly visible to a person outside the vehicle.

No vehicle shall remain in the said parking space beyond the maximum period of time as indicated on the automated parking fee collection device ticket during those hours when a parking fee is required. A parking fee is required between the hours of 8:00 A.M. and 6:00 P.M. on every day except Saturday, Sunday and legal holidays during which business establishments are required by law to remain closed.

10-7.3 Automated Parking Fee Collection Device Fees (Amended 12/21/04)

Fees for automated parking fee collection devices are hereby established as follows:

Forty cents for each hour in any municipal parking area other than the Municipal Parking Garage

10-7.4 Parking Areas (Amended 7/19/05)

Automated parking fee collection devices shall be installed so as to control the following areas:

Sanford Street Parking Lot (with the exception of five parking spaces, at the end of the Sanford Street Municipal Parking, be designated as “15 Minute Parking for parents only to drop off and pick up children from 7 A.M. to 6 P.M.)

North Main Street Parking Lot (with the exception of the area adjacent to the Public Library designated by a sign reading “3 Hour Library Patron Parking”) and the eighteen spaces in the rear of the lot designated as “3 Hour Library patron Parking”.

10-7.5 Collection and Use of Fees

The Parking Clerk is hereby authorized and directed to collect monies deposited in automated parking fee collection devices, or to cause the same to be collected. Such monies shall be deposited forthwith with the City Treasurer in a separate account to be known as the Automated Parking Fee Collection Device Receipts Account. All said monies shall be deemed to have been received as parking meter receipts and shall be used by the City for any purpose authorized by General Laws for the use of parking meter receipts.

10-7.6 Enforcement

It shall be the duty of all Attleboro law enforcement personnel to enforce the provisions of this section.

Section 10-8 Monthly Parking (Amended 10/1/2013)

Monthly parking fees may be established and collected for any municipal parking area. All such fees shall be collected in advance on a single-month basis by the Parking Clerk or his/her designee. All said monies shall be deemed to have been received as parking meter receipts and shall be used by the City of Attleboro for any purpose authorized by General Laws for the use of parking meter receipts.

Monthly parking fees are hereby established as follows:

- Sanford Street Parking Lot, Municipal Parking Garage and the two (2) Municipal Parking Lots located off of Bank Street:
  
  Thirty dollars ($30.00) per month effective from October 2, 2005 and thereafter.
  - All passes shall receive a 10% discount if paid quarterly in advance
  - 10-19 Monthly Passes shall receive a 15% discount if paid in advance

(updated 8/20/2020)
Section 10-9 Owner Prima Facie Responsible for Violations

If any vehicle is found upon any street or highway in violation of any provisions of these ordinances and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

Section 10-10 Experimental Regulations

For the purposes of trial, the Municipal Council may make temporary rules regulating traffic, or test under actual conditions traffic signs, signals, markings, or other devices. No such experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

Section 10-11 Exemptions

The provisions of these ordinances shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair to police officers in official vehicles when engaged in the performance of public duties, or to drivers of emergency vehicles while operating in an emergency and in performance of public duties, whenever the nature of the work of any of these necessitates a departure from any part of these ordinances.

Section 10-12 Established Penalties (Amended 6/24/10)

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handicapped Parking</td>
<td>$100.00</td>
</tr>
<tr>
<td>Blocking A Wheel Chair Ramp</td>
<td>$100.00</td>
</tr>
<tr>
<td>Within A Fire Lane</td>
<td>$50.00</td>
</tr>
<tr>
<td>Within an Intersection</td>
<td>$15.00</td>
</tr>
<tr>
<td>Within Five Feet of a Fire a Hydrant</td>
<td>$15.00</td>
</tr>
<tr>
<td>Commercial Vehicle Prohibited Parking</td>
<td>$15.00</td>
</tr>
<tr>
<td>Upon Any Bridge</td>
<td>$15.00</td>
</tr>
<tr>
<td>Under Any Railroad Overpass</td>
<td>$15.00</td>
</tr>
<tr>
<td>Upon Any Sidewalk</td>
<td>$15.00</td>
</tr>
<tr>
<td>Upon Any Crosswalk</td>
<td>$15.00</td>
</tr>
<tr>
<td>To Obstruct Driveway</td>
<td>$15.00</td>
</tr>
<tr>
<td>Restricted Area</td>
<td>$15.00</td>
</tr>
<tr>
<td>Double Parking</td>
<td>$15.00</td>
</tr>
<tr>
<td>Parking Ban (Dec 1 thru March 31)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Within 5 Feet Of Driveway</td>
<td>$15.00</td>
</tr>
<tr>
<td>Within 20 Feet Of Intersecting Way</td>
<td>$15.00</td>
</tr>
<tr>
<td>Over One Foot From Curb</td>
<td>$15.00</td>
</tr>
<tr>
<td>Wrong Direction</td>
<td>$15.00</td>
</tr>
<tr>
<td>Bus Stop</td>
<td>$15.00</td>
</tr>
<tr>
<td>Taxi Stand</td>
<td>$15.00</td>
</tr>
<tr>
<td>Service Zone</td>
<td>$15.00</td>
</tr>
<tr>
<td>Overtime Parking (Meter Zone)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Overtime Parking (Not Metered)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Parking without a valid registration plate</td>
<td>$15.00</td>
</tr>
<tr>
<td>Parking without a valid certificate of inspection</td>
<td>$15.00</td>
</tr>
<tr>
<td>After 21 Days Add An Additional</td>
<td>$20.00 To Ticket</td>
</tr>
<tr>
<td>After 45 Days Add An Additional</td>
<td>$20.00 To Ticket</td>
</tr>
<tr>
<td>After 60 Days Add An Additional</td>
<td>$20.00 To Ticket, And Send To Registry of Motor Vehicles.</td>
</tr>
</tbody>
</table>

10-12.2 Any person who violates any provisions of this chapter regulating the operation of a motor vehicle shall be subject to a fine of fifty-five ($55.00) dollars for each offense.

10-12.3 Any person who violates any other provision of this chapter shall be liable to a fine not to exceed two hundred ($200.00) dollars.
10-12.4 Any person who violates the provisions of Chapter 90, Section 20A of the Massachusetts General Laws, as accepted by the City of Attleboro, resulting in the immobilization of the vehicle involved in said violation by the application of a “mechanical auto cuff” device shall be subject to a removal charge of twenty-five ($25.00) dollars in addition to all parking fines already imposed. Further, said device shall only be removed between the hours of 8:30 A.M. and 4:30 P.M. Monday through Friday and only after all fines have been paid by postal note, money order or check made out to the Parking Clerk or an acceptable bond given to the Parking Clerk for said amount of fines and said removal charge has been paid by postal note, money order or check made payable to the Parking Clerk.

10-13 Parking Capacity and Designation (Established 12/21/99)

Section 10-13.1 The Municipal Parking Garage shall lease spaces for twenty-four hour (24) parking subject to the discounts in Section 10-8 of this ordinance. Additionally, seventeen (17) spaces on the ground level next to the adjacent businesses shall be marked as “SHORT TERM PARKING” with a two hour time limit and shall be free of charge. Six of these short term parking spaces shall be designated “HANDICAPPED PARKING”.

10-14 Beagle Club Road (Adopted 4/23/19)

Section 10-14.1 Beagle Club Road – Visitor Parking Permit

a. Residents of Beagle Club Road shall have one Beagle Club Road visitor-parking permit issued to each house at no cost. Beagle Club Road visitor-parking permits shall be obtained from the City Clerk. Replacement for the Beagle Club Road visitor-parking permit shall be $0.

b. Beagle Club Road visitor parking permits will be constructed in accordance with the City’s specifications. The visitor parking permit shall contain: the home address of the resident; the word “visitor”; the City seal; a number to indicate which Beagle Club Road resident was issued the visitor permit; language that the visitor permit is issued for parking on Beagle Club Road only; instructions that the visitor permit must be placed on the dashboard facing upwards so that it may be inspected for validity; and language that the visitor permit is issued by the City of Attleboro and not valid for any other location. Visitor parking permit information shall be maintained by the City Clerk.

c. Beagle Club Road visitor parking permits shall not be used for visitors to the Manchester Reservoir or Watershed area, unless accompanied by a Beagle Club resident. Violators shall be fined $50 for the first offense, $100 for the second offense, and $250 for each subsequent offense.

Section 10-14.2 Beagle Club Road – Temporary Visitor Parking Permit

a. The City Clerk shall issue 24-hour temporary visitor parking permits to residents of Beagle Club Road, which shall be embossed with the City’s seal. The 24-hour visitor permit shall contain: the home address of the resident; the words “temporary 24-hour visitor permit”; the City seal; a number to indicate which Beagle Club Road resident was issued the 24-hour temporary visitor permit and recorded by the City Clerk; the date the 24-hour visitor permit is valid; language that the 24-hour visitor permit is issued for parking on Beagle Club Road only; instructions that the 24-hour temporary visitor permit must be placed on the dashboard facing upwards so that it may be inspected for validity; and language that the 24-hour visitor permit is issued by the City of Attleboro and not valid for any other date or location.

b. The cost for 24-hour temporary parking permit fee shall be $0 per permit, per day.

c. Only residents of Beagle Club Road are permitted to apply for a 24-hour temporary visitor-parking permit.

d. Beagle Club Road residents found purchasing a 24-hour visitor permit for non-Beagle Club Road residents and releasing these permits to non-Beagle Club Road residents for use of Manchester Reservoir Watershed area shall be fined $50 for the first offense, $100 for the second offense, and $250 for each subsequent offense.

Section 10-14.3 Watershed Property Parking Spaces

a. The City shall maintain 8 parking spaces on Watershed Property at the end of the Beagle Club Road, and this shall be known as the Beagle Club Road-Manchester Reservoir parking lot.

b. Use of these 8 parking spaces in the Beagle Club Road-Manchester Reservoir parking lot will require a permit issued by the City Clerk. The Beagle Club Road-Manchester Reservoir parking lot permit may be issued to the owner of the vehicle in the form of a sticker that shall be attached to the inside of the vehicle on the lower left side of the windshield. The City Clerk shall record the name; address; phone number; email; vehicle model, make, color and year; and license plate number of the vehicle being issued a permit.

c. The cost of a Beagle Club Road-Manchester Reservoir parking lot permit shall be $0 for city residents, $100 for non-city residents, and $150 for out-of-state residents. This Beagle Club Road-Manchester Reservoir parking lot permit shall be valid for 1 year from January 1 until December 31.
d. Failure to have a properly displayed Beagle Club Road-Manchester Reservoir parking lot permit shall result in the vehicle being ticketed and towed from the Beagle Club Road-Manchester Reservoir parking lot, and at a cost that will be borne by the owner of the vehicle.

e. Vehicles with a Beagle Club Road-Manchester Reservoir parking lot permit sticker are not eligible to park on Beagle Club Road, unless also a visitor of a resident of Beagle Club Road and displays the Beagle Club Road visitor-parking permit.

f. These 8 parking spaces shall be open from dawn until dusk, year-round. Vehicles parked in the lot at the end of Beagle Club Road are not permitted to remain in one parking space for more than 3 hours.

g. Beagle Club Road residents are not eligible to obtain a parking permit sticker for the Beagle Club Road-Manchester Reservoir parking lot.

Section 10-14.4 Beagle Club Road Signage

a. At the corner of Beagle Club Road at West Street, the City shall maintain a sign that indicates that a “parking permit is required beyond this point; violators will be ticketed and towed”.

b. This ordinance and all permits contemplated hereunder shall become effective upon completion of the Beagle Club road-Manchester Reservoir parking lot, lighting, security lights, security plan, signage and visual buffer as determined by the Mayor.
Section 11-1 Auction

11-1.1 No public auction shall be held in the City of Attleboro between the hours of 6:00 P.M. and 8:00 A.M. the following morning. No public auction shall be held upon any street, sidewalk or other public place in the City of Attleboro so as to obstruct or prevent the free and convenient use of the same by travelers thereon.

11-1.2 Whoever violates any of the provisions of this ordinance shall be punished by a fine not to exceed one hundred ($100.00) dollars.

Section 11-2 Disturbance of the Peace

11-2.1 No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City of Attleboro, or transport them otherwise than in vehicles and receptacles which are neat and do not leak.

11-2.2 No papers or other wares shall be cried on the Lord's day.

Section 11-3 Posting Signs

11-3.1 No person shall post, affix, or in any other way attach any poster, handbill, notice, figure or advertisement to, or otherwise deface any telegraph, telephone or other post designed for the support of electric or other wires, located in any street, sidewalk, other public place in the city except such public signs as the Mayor and Municipal Council may approve.

11-3.2 No person shall post, affix, or in any other way attach any poster, handbill, notice, figure, advertisement, to, or otherwise deface any wall, fence, tree, post, building or structure not his own within the limits of the City of Attleboro, except with the consent of the owner thereof.

Section 11-4 Leash Law Deleted 4/7/98--See 9-35

Section 11-5 Cattle and Horses

11-5.1 No person shall permit any cattle or any other horned or hooved animal belonging to him or under his control to go at large or to pasture in any street, sidewalk, or other public place in the City of Attleboro.

11-5.2 No person shall tie or fasten any horse, ox, mule or team of any kind to any lamp post or to any ornamental or shade tree, shrub or vine, or to any fence or other thing erected for the protection of such tree, shrub or vine in any street, sidewalk, or other public place in the City of Attleboro.

Section 11-6 Interfering with Use of Streets and Sidewalks

11-6.1 No person shall throw any stone or other missile or engage in any game, amusement or exercise that interferes with the free, safe and convenient use of the streets, ways or sidewalks in the City of Attleboro by any person traveling thereon.

11-6.2 Three or more persons shall not stand together or near each other in any street, ways or sidewalk in the City of Attleboro so as to obstruct the free passage of foot passengers.

11-6.3 No person shall ride any bicycle, motorcycle or other motorized vehicle upon any footwalk or sidewalk in the City of Attleboro.

11-6.4 No person shall slide or coast down, across, in or along any of the streets, sidewalks or other public places in the City of Attleboro except in such places and under such restrictions as the Mayor shall designate and direct.

11-6.5 No person shall allow the gate or door or any building or fence owned or cared for by him to swing in, over or into any street, way or sidewalk in the City of Attleboro.
11-6.6 No person shall ride any coaster, toy vehicle, roller skates or similar device upon any street in the City of Attleboro except while crossing a street on a crosswalk.

11-6.7 No person riding a bicycle shall cling to or attach himself or his vehicle to any other moving vehicle upon any street in the City of Attleboro.

Section 11-7 Scattering Glass on Streets

No person shall throw, scatter, drop or place, or shall cause or procure to be thrown, scattered, dropped or placed in or upon any street, sidewalk or other public place within the City of Attleboro, any glass, rocks, nails, pieces of metal or any other substance likely to injure or damage any bicycle, automobile or other wheeled vehicle.

Section 11-8 Substance on Pavement

No person shall place or pour, or allow a vehicle owned or controlled by him to leak or escape kerosene, naptha, gasoline, benzine, petroleum, turpentine, or any other oil or fluid harmful to asphalt or other pavement, on the pavement of any street, sidewalk or other public place in the City of Attleboro.

Section 11-9 Discharge of Water (amended 4/2/19)

11-9.1 No person shall wash any window or wall of a building between the hours of 9:00 A.M. and 9:00 P.M., and at any time of day or night during freezing temperature in such manner as to cause the discharge of water upon any street, sidewalk or other public place in the City of Attleboro.

11-9.2 No person shall allow water from the eaves or leader pipes of any building owned or cared for by him to be discharged upon any street, sidewalk or other public place in the City of Attleboro.

11-9.3 No person shall allow impure water to run from any house, barn or lot occupied by him or under his control, into any street, sidewalk or other public place.

11-9.4 No person shall discharge or cause to be discharged surface or other water upon any street, sidewalk or other public place either by collecting the same upon his premises and discharging it upon any street, sidewalk or other public place or by changing the grade or surface of his premises so as to increase the amount or rate of the discharge upon any street, sidewalk or other public place, at such times or in such quantities that the water so discharged may freeze on any street, sidewalk or other public place so as to cause a hazard to travel in the public way as determined by the Superintendent of Public Works.

Section 11-10 Sidewalk Snow Removal (Deleted 12/7/99)

11-10.2 (Deleted 12/21/99)

11-10.3 No owner, tenant, or occupant of real estate, nor any employees or contractor employed by the aforementioned shall place or cause to be placed, snow accumulation upon any public sidewalk, street, parking lot, or other public place by plowing, shoveling, or other means in any section of the City. The only exception to the will be such areas as may be designated by the Superintendent of Public Works.

Section 11-11 Oil Drums

All oil drums kept on any premises in the City of Attleboro for the storage of fuel oil on or above ground, shall have a lock on them to prevent oil from being removed from said drum, and when not in use, shall be kept locked with a padlock or some such similar lock.

Section 11-12 Swimming in Nude

No person shall swim or bathe in any of the waters within the limits of this city so as to be exposed in a nude state to the view of any person passing, or being upon any railroad or any street, or in any dwelling house in this city.

Section 11-13 Trees

(updated 8/20/2020)
No person shall cut down, remove, injure or destroy any fruit, shade or other tree growing or being in any public street, sidewalk or other public place in the City of Attleboro without permission of the City Forester.

Section 11-14 Firearms

No person shall discharge any firearm or other explosive in any of the streets, sidewalks, or other public place in the City of Attleboro except in the lawful defense of person, family or property or in the performance of any duty required by law.

Section 11-15 Public Drinking (amended September 7, 2010)

11-15.1 No person shall use or consume any alcoholic beverage, or have in his possession, custody or control an opened or partially consumed container of any alcoholic beverage, while in or upon any public place or any place to which the public has a right of access including, but not limited to public ways, private ways, sidewalks, parking lots, parks and commons, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant thereto, and including any motor vehicle or bicycle when parked or moving upon any of the above places or locations and commercial establishments open to the public (excluding common victualers duly licensed to conduct a restaurant).

11-15.2 For the purpose of this ordinance, an alcoholic beverage shall be any substance so defined by General Laws Chapter 138, Section 1, as amended. Nothing herein shall be construed to prohibit the duly licensed use and consumption of said alcoholic beverages in or upon private property or dwellings as may be permitted by law.

11-15.3 (amended 10/20/11) Notwithstanding Section 11-15-1, a license for the possession, custody, control, use and consumption of alcoholic beverages, in or upon, a specified public place may be granted by the Municipal Council, in accordance with the procedures established in Section 9-1, subject to such conditions as may be deemed proper and after determination, that any necessary licenses have been obtained from the Board of Licenses. If the public place requested for said license is under the jurisdiction of the School Committee, authorization must also be obtained from said Committee in accordance with General Laws Chapter 272, Section 40A, as amended. An application fee of $75.00 and a public hearing before the Municipal Council is required.

11-15.4 The fee for any license granted hereunder shall be $20.00.

11-15.5 Any person found to be in violation of this ordinance shall be liable to a fine of fifty ($50.00) dollars for each such violation, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

Section 11-16 (Wild Animals)

11-16.1 No wild animal, reptile or snake, imported or indigenous, may be kept within the City, except under the conditions prescribed herein.

11-16.2 Any person, including pet shop owners, having a wild animal, reptile or snake in his possession for whatever purpose shall annually register the same with the Police Department. Such registration shall include the owner's name and address, a full length color picture of the animal, reptile or snake, and any peculiar markings or habits it may have. The fee for such yearly registration shall be $10.00.

11-16.3 Circuses, zoos and educational institutions that keep wild animals, reptiles or snakes shall do so under the prescribed guidelines of the Federal Department of Agriculture.

11-16.4 No wild animal, reptile or snake shall be transported over a public way unless it is properly secured in a cage or other suitable enclosure so as to preclude any possible harm to the general public.

11-16.5 Any person, having proper custody of a wild animal, reptile or snake which becomes lost or missing, shall report such loss within eight (8) hours to the Police Department.

11-16.6 Any wild animal, reptile or snake which is found upon a public way not registered or properly secured shall be immediately disposed of as directed by the Chief of Police.

(updated 8/20/2020)
11-16.7 Any person found to be in violation of this ordinance shall be liable to a fine of fifty ($50.00) dollars for each such violation, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

Section 11-17 Sale of Tobacco Rolling Papers (Adopted 10/18/94)

11-17.1 No person or business shall sell or offer for sale any tobacco rolling paper in the City of Attleboro unless such person or business is engaged in the business of selling loose tobacco on the premises.

11-17.2 No person or business shall sell or offer for sale any tobacco rolling paper to any person under eighteen (18) years of age in the City of Attleboro.

11-17.3 Whoever violates any of the provisions of this ordinance shall be punished by a fine of one hundred ($100.00) dollars for the first offense; two hundred ($200.00) dollars for the second offense; and five hundred ($500.00) dollars for the third offense and each offense thereafter. Said penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

Section 11-18 Nicotine Delivery Products

11-18.1 Purpose

Whereas there exists conclusive evidence that: the United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; the appeal created by Nicotine Delivery Products or e-cigarettes, which contain addictive nicotine, can lead minors into a nicotine addiction that may result in their daily use of tobacco; the United States Food and Drug Administration has conducted laboratory tests finding e-cigarettes contain toxic chemicals and carcinogens; and the City intends to protect minors against the use of liquid nicotine and nicotine delivery products (as defined below), such as but not limited to e-cigarettes.

11-18.2 Definitions

a. **E-cigarette**: Any electronic device composed of a mouthpiece, heating element, battery, and/or electronic circuits, that provide(s) a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes (or electronic cigarettes), e-cigars, e-pipes, or under any other product name.

b. **Electronic Smoking Device**: Any product that can deliver nicotine to the user through inhalation of vapor.

c. **Liquid Nicotine**: Any product, also known as a “nicotine solution,” composed either in whole or in part, of nicotine and manufactured for use with Nicotine Delivery Products, including but not limited to e-cigarettes.

d. **Nicotine Delivery Product**: Any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes, electronic smoking devices, personal vaporizers, or other electronic nicotine delivery systems, such as electronic inhalers, intended for consumption of nicotine.

11-18.3 Prohibition

a. No person or business shall sell, offer for sale, distribute, or permit to be sold, any nicotine delivery product (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine to any person under eighteen (18) years of age in the City.

b. Each person selling, offering for sale, distributing, or permitting to be sold any nicotine delivery product (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine to any person who appears under the age of twenty-seven (27) shall verify the age of the purchaser by means of a government-issued photographic identification containing the bearer’s date of birth that the purchaser is eighteen (18) years or older.

(updated 8/20/2020)
c. All retail sales of nicotine delivery products (including any e-cigarette or electronic smoking device), liquid nicotine, or any other substance containing nicotine shall be face-to-face between the seller and the purchaser.

11-18.4 Penalties

Whoever violates any of the provisions of this ordinance shall be punished by a criminal fine under Massachusetts General Laws Chapter 40, Section 21, as amended, of one hundred ($100.00) dollars for the first offense; two hundred ($200.00) dollars for the second offense; and three hundred ($300.00) dollars for the third offense and for each subsequent offense thereafter. The provisions of this section may be enforced in accordance with the provisions for the non-criminal disposition of violations under Massachusetts General Laws Chapter 40, Section 21D, as amended.

*This ordinance shall take effect upon its passage.

Section 11-19 - Public Consumption of Marijuana and Tetrahydrocannabinol (THC) (Adopted 4/7/09)

11-19.1 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 public place or any place to which the public has a right of access including, but not limited to public ways, private ways, sidewalks, parking lots, parks and commons, playgrounds, recreation areas, beaches, boat landings, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant thereto, or premises licensed by the City and including any motor vehicle or bicycle or other passenger conveyance operated by a common carrier, when parked or moving upon any of the above places or locations.

11-19.2 For the purpose of this ordinance, Marijuana and/or Tetrahydrocannabinol (THC) shall be any substance so defined by General Laws Chapter 94C Section 1, as amended.

11-19.3 The enforcing person shall make a record of the incident, such record to include the following information (to the extent that it is available), name and address of the person violating the ordinance; name and address of landlord, if applicable; date; time; motor vehicle registration number, if applicable; and location of the violation.

This ordinance may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. Any person found to be in violation of this ordinance, or who refuses to give the above-noted information or if any information proves false, shall be liable to a fine of three hundred dollars ($300) for each such violation. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This ordinance shall take effect on April 17, 2009.

11-20 Noise Ordinance (Adopted 6/23/09)

11-20.1 Definitions

For the purpose of this ordinance, the following terms, phrases, words and derivations shall have the meaning given herein:

dBa shall mean A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standard Institute "Specifications for Sound Level Meter (ANSI S1.1 1971)", properly calibrated, and operated on the "A" weighting network.

Enforcing person shall mean any police officer of the City.

Excessive noise shall mean either of the following: (a) Noise measured in excess of 50 dBa between the hours of 11:00 P.M. and 7:00 A.M., or in excess of 70 at all other times; or (b) Noise that is clearly audible by a person of normal hearing at a distance of two hundred (200) feet from its source.

Loud amplification device or similar equipment shall mean a radio, television, stereo, tape player, cassette player, compact disc player, MP3 player, loud speaker, sound amplifier, electronic device, or any other similar apparatus or equipment operated in such a manner that it creates excessive noise.

11-20.2 General Prohibitions
It shall be unlawful for any person or persons being present in or about any building, dwelling, structure, premises, shelter, or place in a residential zoning district of the city to create, assist in creating, make, or cause to be made any excessive noise.

The fact that the noise exceeds the sound level standards as specified herein shall be deemed to be prima facie evidence of a violation of the provisions of this ordinance.

**11-20.3 Responsibility for Noise Violations by Person in Charge of Premises**

It shall be unlawful for any person or person having charge or ownership of any building, dwelling, structure, premises, shelter or place in a residential zoning district of the city to suffer, allow or permit any excessive noise.

The fact that the noise exceeds the sound level standards as specified herein shall be deemed to be prima facie evidence of a violation of the provisions of this ordinance.

**11-20.4 Prohibitions against Loud Amplification Devices in Motor Vehicles**

It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment in or on a motor vehicle, which is either moving, standing or stationary in, on or upon a public way.

The fact that the noise exceeds the sound level standards as specified herein shall be deemed to be prima facie evidence of a violation of the provisions of this ordinance.

**11-20.5 Notice of Noise Restrictions to be Provided to Renters**

The owner of any building, dwelling, structure, premises, shelter or place in a residential zoning district, which is leased, rented or subleased, shall provide any and all tenants, lessees and sublessees with a copy of this noise ordinance. The failure of any such tenant, lessee or sub lessee to receive such notice shall not be a defense to the enforcement of this ordinance.

**11-20.6 Exemptions**

This ordinance shall not apply to:

1. Any public utility company, Police Department, authorized police emergency vehicles, Fire Department, authorized fire emergency vehicles, any Public Works Department, or any agency or department of the City of the Commonwealth of Massachusetts.

2. Any alarm, siren, or mechanism used for the purpose of alerting persons to the existence of an emergency, or attempted crime. However, any such alarm, siren or mechanism shall be adjusted so that an alarm signal shall not be audible for no longer than fifteen (15) minutes after being activated.

3. Any lawfully permitted parade, including any spectators and participants on the parade route during said lawful parade.

4. Any patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnics permit is required and obtained by the State Fire Marshal or Fire Chief.

5. Any City-sanctioned fire works display.

6. Any lawful outdoor event, race, festival, fiesta, carnival, sporting event, entertainment or concert that is in full compliance with a permit issued by the City provided that the noise created is limited to the days and hours set forth in terms of such permit.

7. Sound between the hours of 7 A.M. to 6 P.M. on Monday through Saturday and 8 A.M. to 5 P.M. on Sundays when the sound is being produced in connection with the construction, demolition, alteration, repair, maintenance or upkeep of any building or the property on which it is operated.

8. Sound produced by church bells or church chimes when used as part of religious observances or service during daytime hours.

(updated 8/20/2020)
9. Sound produced by activities conducted on public parks, public playgrounds, and public or private schools, including but not limited to, school athletic, band and school entertainment practice or events.

10. Any activity which has been specifically licensed or permitted by a City department, board or commission; provided that the noise created is limited to the days, hours and type set forth in such license or permit.

11. Snow removal performed by snow blowers, snow throwers, or snow plows when property outfitted with a muffler.

12. Any activity to the extent regulation thereof has been preempted by State or Federal Law.

13. Sound produced in a residential zoning district from the lawful conduct or operation of a non-residential use, which qualifies as pre-existing, non- nonconforming use under the Zoning Ordinance or any other non-residential use, which is permitted in a residential district under said Zoning Ordinance.

14. Noise originating or emanating from an industrial, commercial, or business zone which crosses over or intrudes into a residential zone, provided that no provisions of any state regulation, license, permit, or other ordinance be violated or compromised.

11-20.7 Violations and Penalties

Any person violating the provisions of this chapter shall be punished by a warning for the first offense, a fine of one hundred ($100) dollars for the second offense occurring within twenty-four (24) hours of the first offense, and a fine of three hundred ($300) dollars for the third offense and any subsequent offense thereafter occurring within twenty-four (24) hours of the first offense. Any violation of the provisions of this chapter occurring more than twenty-four (24) hours after the first offense shall constitute a new and separate offense.

The enforcing person shall make a record of the complaint, such record to include the following information (to the extent that it is available), name and address of person violating; name and address of landlord, of applicable; date; time; motor vehicle registration number, if applicable; and location of the violation. If the violator refuses to give the above-noted information or if any information proves false, said person shall be punished by a fine of an additional twenty-five ($25.00) dollars.

As an alternative, a violation of this ordinance may, in the discretion of the enforcing person, be enforced by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D.

The issuance of a fine shall not preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this ordinance, including but not limited to preliminary and/or permanent injunction(s).

Section 11-20.8 Severability

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

Section 11-21 Synthetic Salts (Adopted 6/4/2013)

Section 11-21.1 Findings and Intent

WHEREAS, it has been reported by various agencies that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetics stimulants and synthetic psychedelic/hallucinogens pose health, safety, and welfare issues for the residents of the City of Attleboro.

Section 11-21.2 Definitions

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

A. Cannabimimetic Agents: Unless specifically exempted, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation including:

(updated 8/20/2020)
1. Any substance that is a cannabinoid receptor type 1 (CB 1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:

a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

b. 3-(1-naphthoyl) indole or 3-(1-naphthyl) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

c. 3-(1-naphthyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

d. 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or

e. 3-phenylacetyindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

2. Any substance which includes any one (1) or more of the following chemicals:

a. CP 47,497; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

b. Cannabicyclohexanol; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

c. HU-210; [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethy 1-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c] chromen-1-ol];

d. HU-211; (dexanabino, (6aS,10aS)-9-(hydroxymethyl) -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

e. JWH-015; (2methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;

f. JWH-018; 1-pentyl-3-(1-naphthoyl) indole;

g. JWH-019; 1-hexyl-3-(1-naphthoyl) indole;

h. JWH-073; 1-butyl-3-(1-naphthoyl) indole;

i. JWH-081; 1-pentyl-3-(1-4-methoxynaphthoyl) indole;

j. JWH-122; 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

k. JWH-200; 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;

l. JWH-203; 1-pentyl-3-(2-chlorophenylacetyl) indole;

m. JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl) indole;

n. JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl) indole;

o. AM2201; 1-(5-fluoropentyl)-3-(1-naphthoyl) indole;

p. AM694; 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole;

q. SR-19 and RCS-4; 1-pentyl-3-(4-methoxy-benzoyl) indole; and

r. SR-18 and RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl) indole.
B. **Illegal Chemical Product**: Any substance which includes any one (1) or more of the following chemicals:

1. Medphradone (4-methylmethcathinone);
2. 4-methyl-alpha-pyrrolidinobutyrophenone;
3. Methylene dioxy pyrovalerone or [(MDPV) 1-(1,3-Benzodioxol-5-ul)-2-(1-pyrrolidinyl)-1-pentanone]; and
4. MDAI; 5, 6-methylenedioxy-2-aminoinadame.

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

**Section 11-21.3 Scope of Requirement**

1. No person anywhere within the City of Attleboro shall sell, offer to sell, gift, or publicly display for sale any cannabimimetic agent, illegal chemical product, or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes, that is similar to a controlled substance or imitation controlled substance.

2. No person anywhere within the City of Attleboro shall knowingly possess, inhale or ingest any cannabimimetic agent or illegal chemical product or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes, that is similar to a controlled substance or imitation controlled substance.

3. This Ordinance shall apply whether the cannabimimetic agents or illegal chemical products, as herein defined, are used as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or ingested.

**Section 11-21.4 Enforcement and Penalties**

This Ordinance shall be enforced by the Attleboro Police Department 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 noncriminal disposition pursuant to M.G.L c. 40, §21D. The fine for violation of this Ordinance shall be three hundred dollars ($300) for each offense. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale. The Attleboro Police Department shall report any violation from a licensed establishment to the local licensing authorities.

This ordinance shall become effective upon passage.

(updated 8/20/2020)
CHAPTER 12
PARKS, RECREATION AND FORESTRY

Section 12-1 Board of Park Commissioners (Amended 12/3/98)

12-1.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Park Commissioners consisting of five members appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of five years with the term of one member to expire each year. Members of the Board shall elect their chairman annually.

12-1.2 Powers and Duties

The Board of Park Commissioners, under the general supervision and control of the Mayor, shall provide policy direction for the public parks and public zoo in the City of Attleboro. The Board of park Commissioners may establish Rules and Regulations for the use of such public parks and zoo. The Board of park Commissioners shall have all the powers and duties now or from time to time vested by General Law or Special act in Boards of Park Commissioners.

Section 12-1.3 Staff (Deleted 12/3/98)

Section 12-1.4 Proceedings of Board of Park Commissioners

The Board of Park Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by a vote of the Board, the Board shall keep a record of its proceedings, may establish its own rules of procedure, and may, subject to appropriation or other available funding, make such expenditures as may be necessary to the performance of its functions.

Section 12-2 Board of Recreation Commissioners (Amended 6/22/99)

12-2.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Recreation Commissioner consisting of six members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years with the terms of two members to expire each year. Members of the Board shall elect their Chairman annually.

12-2.2 Powers and Duties

The Board of Recreation Commissioners, under the general supervision and control of the Mayor, shall provide policy direction for the athletic fields, playgrounds and recreation centers of the City, except those under the control of the Department of Parks and Forestry, and may establish Rules and Regulations for the use of the same.

The Board of Recreation Commissioners shall have all the powers and duties now or from time to time vested by the General law or Special Act in Board of Recreation Commissioners.

12-2.3 Staff (deleted 6/22/99)

12-2.4 Proceedings of Board of Recreation Commissioners (Amended 6/16/20)

The Board of Recreation Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by vote of the Board. The Board shall keep a record of its proceedings and may establish its own rules of procedure.
Section 12-3 Rules and Regulations for Parks, Commons, Playgrounds, Athletic Fields, and Recreation Centers
(Amended 2/19/02, 6/16/20)

Section 12-3.1 Powers and Duties (Amended 6/16/20)

The Recreation Director, Board of Park Commissioners and/or Superintendent of Parks & Forestry (Park Superintendent) shall enforce the following ordinances in the areas under their respective jurisdictions.

Section 12-3.2 Permit Requests (amended 4/6/10, 6/16/20)

Permits to use park facilities for picnics, ball games, athletic meets, pageants, and other recreational, social, educational, political, and patriotic assemblages, shall be secured from the Park Commissioners and/or Park Superintendent. Requests to use park facilities shall be submitted in writing, at least 60 days prior to the planned event and shall include the following:

a. Name, address, and phone number of the applicant(s)
b. Name of the sponsoring organization or individuals(s)
c. Event date(s)
d. Description of planned event
e. Copy of "Certificate of Non-Profit Status" (Form 501c3), if applicable

Any permit to use a recreational facility for any authorized use, including ball games, athletic meets, picnics and other recreational, social, educational, political, and patriotic assemblages, shall be secured from the Recreation Director. Requests to use recreation facilities shall be submitted in writing, at least 30 days prior to the planned event. No admission fee shall be charged unless the sponsoring group is a non-profit organization as determined by the Recreation Director in writing.

The Recreation Director, Park Commissioners, and/or Park Superintendent may grant permission and impose such conditions as are necessary to be consistent with the intent of this ordinance and in the best interests of the safety and well being of the City of Attleboro and persons using recreation and park facilities. If a request is denied, the Recreation Director, Commissioners, and/or Park Superintendent shall provide a written basis for the denial.

Section 12-3.3 Prohibited Activities (amended 4/3/08, 6/16/20)

Unless otherwise directed, organized, or permitted by the Commissioners, it shall be unlawful in the parks, commons, playgrounds, athletic fields, and outdoor recreation facilities of the City of Attleboro to:

a. Be present between the hours from dusk to dawn, except with express written permission from the Recreation Director, Commissioners, and/or Park Superintendent, to be at the location after dusk but no later than 11:00 PM at lighted facilities.
b. Operate or park any motor vehicle, including but not limited to automobiles, mopeds, motorcycles, motor bikes, mini bikes, dirt bikes, all-terrain vehicles, trucks, and vans, anywhere other than on the roads, drives, or parking lots designated for such purpose. The Recreation Director, Commissioners, and/or Park Superintendent shall have the power within their jurisdiction to direct traffic and close any roads whenever they deem it is in the public interest to do so, after consultation with appropriate authorities including but not limited to Mayor, Police Chief, and Fire Chief.
c. Operate any motor vehicle for the purpose of learning how to operate said vehicle on any road, drive or parking lot.
d. Operate any motor vehicle at a speed exceeding 15 miles per hour.
e. Operate any motor vehicle between dusk to dawn, except as provided in Section 12-3.3a.
f. Ride or drive an animal within the limits of any park or recreation facility.
g. Suffer or permit a dog under the control or care of any person to enter or remain, unless it is led by a leash of suitable strength not more than 6-feet in length. At no time shall dogs be allowed in the athletic fields, lawns, animal buildings or other buildings. In accordance with Chapter 9 of the Revised Ordinances of the City of Attleboro, the owner or keeper of a dog shall remove any excreta deposited by the dog(s), and be liable for such fines specified in that section.
h. Injure, molest, feed, or disturb any animal, or in any way interfere with exhibits or barriers provided for their protection.
i. Cut, injure, deface, or disturb any tree, shrub, plant, rock, building, exhibit, monument, fence, bench, or other property.
j. Play ball, golf, or other games, except where designated for such purposes. Golf is expressly prohibited at park and recreational facilities unless specifically authorized.
k. Swim, bathe, or wade in any fountain, pool, except those designated for such purpose.
l. Throw stones, missiles, sticks, or other objects in any fountain, pool, lake, stream, or swimming pool.
m. Deposit or leave refuse except in receptacles designated for such.
n. Bring onto, or dump any trash, including yard waste or construction debris.
o. Drink any alcoholic beverages, unless licensed in accordance with Chapter 11 of the Revised Ordinances of the City of Attleboro.
p. Loiter or behave oneself in a rude or disorderly manner, use any indecent or profane language, or solicit the acquaintance of, follow, or otherwise annoy other visitors.
q. Camp or lodge in any park, common, playground, athletic field, or recreation center.
r. Make or kindle a fire for any purpose, except where designated. No charcoal grills or open flames are allowed on any property subject to this Ordinance.
s. Carry or discharge any firearms, fireworks, rockets, or other explosive devices.
t. Post any notices, bills, or advertising matter of any kind or nature.
u. Sell, or offer for sale, except at the zoo gift shop and concession stands, any merchandise, article, or articles whatsoever, or to practice, carry on, conduct or solicit any trade, occupations, business, or profession.
v. Exclude any person from admittance to any recreational, social, educational, political, or patriotic assemblage, providing that said persons are not disruptive or in violation of any other provisions of this ordinance.
w. Leave children and pets in unattended vehicles.
x. Use of metal detectors.
y. Use of any form of tobacco, marijuana, or vaping products on park or recreational property.
z. Erect a permanent structure in any park or recreation facility without the approval of the Commission or Director.
aa. Use of drones.

Section 12-3.4 Exemptions to Prohibited Activities (amended 6/16/20)

The Recreation Director, Commissioners, and/or Park Superintendent have the right to waive any or all of the provisions of Section 12-3.3 or establish conditions specific to an activity, that are in the best interests of the safety and well-being of the City of Attleboro and persons using recreation and park facilities. Requests for exemptions shall be in writing and submitted to the Recreation Director, Commissioners, and/or Park Superintendent during the permit request application process.

Section 12-3.5 Penalty for Violations (amended 6/16/20)

Any person who disrupts any activity being held in a park, common, playground, athletic field, or recreation center shall be removed from the facility.

A person who violates any provision of this ordinance shall be punished by a fine according to the following schedule unless a higher applicable penalty is provided in other sections of the Ordinances of the City of Attleboro:

a. First Offense: $150.00
b. Second offense and each offense thereafter, $300.00.

Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

In addition, any person(s) responsible for damaging a park, common, playground, athletic field, recreation center, or equipment and facilities associated therein, shall be liable to pay for the cost incurred to repair such damage, including the labor charges of staff workers or contractors who perform the repair work.

Section 12-3.6 Cancellation Authority (amended 6/16/20)

The Recreation Director, Commissioners, and/or Park Superintendent reserve the right to deny any athletic activity or event from being held on an athletic field due to inclement weather and/or poor field conditions. The Recreation Director, Commissioners, and/or Park Superintendent may establish an Inclement Weather Clause as necessary. Teams or leagues in violation of this ordinance shall be subjected to one or more of the following disciplinary actions:

a. Written warning to the President or Chairman of the organization for the first offense.
b. Suspension of the team(s) or organization from practicing on athletic fields for one week.
c. Forfeiture of the privilege of a team or organization to either practice or play games on athletic fields for the remainder of their season.
d. Financial restitution by the team or organization for damage to the athletic fields.

Section 12-3.7 Capron Park Zoo Admission Fees and Policies (Amended 5/1/07, 6/24/10, 5/3/16)

(updated 8/20/2020)
<table>
<thead>
<tr>
<th>Age Group</th>
<th>Residents</th>
<th>Non-Residents</th>
</tr>
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<tbody>
<tr>
<td>Children (under age 3)</td>
<td>FREE</td>
<td>FREE</td>
</tr>
<tr>
<td>Youths (age 3 – 12)</td>
<td>$6.50</td>
<td>$7.50</td>
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<tr>
<td>Adults (age 13 and over)</td>
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<td>$9.00</td>
</tr>
<tr>
<td>Senior Citizens (age 65 and over)</td>
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<tr>
<td>Military</td>
<td>$4.75</td>
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Group Rates for five or more individuals of non-profit organizations only are:

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<tr>
<th>Age Group</th>
<th>Residents</th>
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<tr>
<td>Adults (age 13 and over)</td>
<td>$7.00</td>
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ANNUAL MEMBERSHIPS

Household Membership - $70.00 – Includes two (2) adults over the age of eighteen (18) and up to four (4) children under the age of eighteen (18)

Senior Citizen Membership – $60.00 - Includes two (2) senior citizens (age 65 and over) and up to four (4) grandchildren under the age of eighteen (18).

Individual Membership – $40.00 - Includes one (1) individual over the age of eighteen (18).

Household Plus Membership – $80.00 - Includes two (2) adults over the age of eighteen (18) and up to four (4) children under the age of eighteen (18) plus one (1) caregiver.

An adult must accompany all children under the age of 13 years. School age persons may not enter the zoo during school hours unless accompanied by a chaperone.

Disabled people, whom are assisted by a working dog, must be accompanied by a staff member when visiting the zoo.

The Superintendent of Parks and the Zoo Director shall have the authority to waive the admission fee during inclement weather.

The admission fee or pass shall cover the entire day. Persons will be permitted to leave and re-enter the zoo on the same day without having to pay an additional fee. This is during regular zoo hours only.

The Superintendent of Parks & Forestry and the Zoo Director shall be responsible for implementing the provisions of this ordinance and for the safekeeping and accounting of the monies collected. All monies collected from admission fees shall be deposited in a revolving fund in accordance with the provisions of MA General Laws, Chapter 44, Section 52 1/2E. All persons involved in the handling of such monies shall give bond to the City of Attleboro in the amount determined by the City Treasurer.

Friends of Capron Park Zoo who are active in the organization do not pay entrance into the zoo. All other programs offered by the zoo are at normal cost.

Residents with a financial need may obtain free passes to the zoo through various agencies or by contacting the zoo office. Information regarding the availability of free passes will be posted at the zoo.

This ordinance shall become effective immediately upon passage.

Section 12-3.8 Severability

The provisions of this ordinance are severable. If any provision of this ordinance, or its application to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions or applications of this ordinance.

Section 12-4 Department of Parks and Forestry (Established 12/3/98)
12-4.1 Organization (amended 6/16/20)

There is hereby established within the Municipal Government a Department of Parks and Forestry to be headed by a Superintendent of Parks and Forestry. The Mayor shall appoint the Superintendent of Parks and Forestry, subject to confirmation by the Municipal Council for a term of three years from up to three candidates recommended by the Board of Park Commissioners. The Superintendent of Parks and Forestry shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

12-4.2 Powers and Duties

The Superintendent of Parks and Forestry, under the general supervision and control of the Mayor, shall administer the public parks and public zoo of the City of Attleboro and shall have the care and control of all public shade trees, shrubs and plantings in the City except those within a state highway.

The Superintendent of Parks and Forestry shall have all the powers and duties now or from time to time vested by General law or Special Act in Tree Wardens and Superintendents of Insect Pest Control.

12-4.3 Staff

The Superintendent of Parks and Forestry, subject to appropriation and applicable law, may employ such labor, clerical, technical and other assistance as is deemed necessary to carry out the function of the Department of Parks and Forestry.

12-4.4 Director of Capron Park Zoo

There is hereby established with the Department of Parks and Forestry the position of Director of Capron Park Zoo. The Mayor shall appoint the Director of Capron Park Zoo, subject to confirmation by the Municipal Council for a term of three years from candidates recommended by the Board of Park Commissioners. The Director of Capron Park Zoo shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

The Director of Capron Park Zoo, under the administrative direction of the Superintendent of Parks and Forestry, shall carry out the professional duties and responsibilities pertaining to the Zoo and any zoological operations.

12-5 Department of Recreation

12-5.1 Organization (amended 6/16/20)

There is hereby established within the Municipal Government a Department of Recreation, to be headed by the Director of Recreation. The Mayor shall appoint the Director of Recreation, subject to confirmation by the Municipal Council, for a term of three years, from up to three candidates recommended by the Board of Recreation Commissioners. The Director of Recreation shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

12-5.2 Powers and Duties

The Director of Recreation, under the general supervision and control of the Mayor, shall be responsible for the care and control of all athletic fields, playgrounds and recreation centers of the City, except those under the control of the Department of Parks and Forestry.

12-5.3 Staffing

The Director of Recreation, subject to appropriation and applicable law, may employ such labor; clerical, technical and other assistance as is deemed necessary to carry out the function of the Department of Recreation.
CHAPTER 13
PERSONNEL

Section 13-1 Personnel Department (Amended 10/19/10)

13-1.1 Organization

There is hereby established within the Municipal Government a Personnel Department headed by a Personnel Director/and or Personnel Consultant. The Mayor shall appoint the Personnel Director/and or Personnel Consultant, subject to confirmation by the Municipal Council, for a term of three years. The Personnel Director/and or Personnel Consultant shall be a person with experience and skill in the field of personnel administration and shall receive the salary established for the position under the City's Compensation Plan.

13-1.2 Application

The provisions of this ordinance shall apply to all City departments, except the School Committee, and to the positions of all employees in the service of the City, except those positions which are filled by popular election and those positions which are under the direction and control of the School Committee. Positions covered by collective bargaining agreements shall be subject only to the provisions of this ordinance which are not governed by such agreements. Nothing contained herein shall be construed to conflict with the provisions of Chapter 31 and Chapter 150E of the General Laws and any rules and regulations promulgated thereunder.

13-1.3 Powers and Duties

The Personnel Director/and or Personnel Consultant, under the general supervision and control of the Mayor, shall:

a. Develop and direct a comprehensive personnel administration program for the City.

b. Formulate and issue, subject to approval of the Mayor, personnel policies and directives to implement and carry out the personnel administration program.

c. Provide advice and assistance to the Mayor, Department Heads, and elected and appointed supervisory officials on all personnel matters, including position classification, pay administration, recruitment and placement, employee relations, performance evaluation, disciplinary actions, employee grievances, employee training, and the implementation and administration of collective bargaining agreements.

d. Develop and administer a position classification program providing for the classification of all positions, other than those filled by popular election, into groups and classes doing substantially similar work or having substantially equal responsibilities so as to insure the payment of equal compensation for equal work.

e. Develop a Classification Plan and a Compensation Plan for all positions except those filled by elected officials and those covered by collective bargaining agreements, and recommend to the Mayor and Municipal Council the establishment of such plans by ordinance.

f. Regularly review the Classification Plan and recommend to the Mayor and Municipal Council such changes therein as are considered appropriate and necessary. Maintain current job descriptions for all positions in the Plan.

g. Regularly review the Compensation Plan and annually, as required by the budget-making process, recommend to the Mayor and Municipal Council adjustments therein by reason of changes in the cost of living or otherwise.

h. Develop and administer a recruitment and placement program designed to fill vacant positions with the best qualified persons.

i. Administer the Civil Service Program.

(updated 8/20/2020)
j. Develop and implement a performance evaluation program designed to provide for the periodic evaluation in writing by appropriate supervisory personnel of the performance of all employees, except elected officials.

k. Provide advice and assistance to supervisory personnel at all levels in planning, developing and conducting training programs to meet training needs.

l. Formulate, subject to the approval of the Mayor and Municipal Council, rules and regulations governing, with respect to all employees, except elected officials and employees covered by collective bargaining agreements, hours of work, payment of regular compensation, payment of overtime and other premium or extra compensation, holiday pay, annual leave, sick leave, other leave with pay, leave without pay, worker's compensation, pay for personal injury sustained in line of duty, payment for and attendance at educational courses, seminars, conferences and the like, uniform allowances, group health and life insurance, and other conditions of employment.

m. Provide advice and assistance to individual employees on all personnel matters.

n. Process all personnel actions and maintain personnel records of all employees, including elected officials. It shall be the duty of each City official and employee to furnish to the Personnel Department upon its request such information as is required to complete such personnel records.

o. Develop, in consultation with other City officials and departments concerned, standard forms and records to be used in the City's personnel administration program, other than those forms and records whose format is regulated by statute or by state agencies supervising municipal administration.

p. Establish and administer, subject to appropriation therefor, a clerical pool for the purpose of providing temporary clerical assistance where needed to all departments within the City. Records showing the number of hours such clerical personnel are used by any department or office shall be maintained.

q. Recommend to the Mayor and Municipal Council the enactment of such ordinances as are considered necessary to implement and administer the City's personnel administration program.

r. Review and appraise the effectiveness of the City's personnel administration program and make reports and recommendations to the Mayor concerning methods of promoting the efficiency and effectiveness of such personnel administration program.

13-1.4 Staff

The Personnel Director/and or Personnel Consultant, subject to appropriation, may employ such clerical, technical and other assistance as is deemed necessary to carry out the functions of the Personnel Department.

Section 13-2 Personnel Board

13-2.1 Organization

There is hereby established within the Municipal Government an unpaid Personnel Board consisting of five members to be appointed by the Mayor, subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially qualified by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years, with the term of at least one member to expire each year. Each member shall hold office for the term for which he/she is appointed and until his successor is appointed and qualified. Any member while serving on the Board shall not at the same time be an elected official or an employee of the City. Members of the Board shall elect their chairman annually.

13-2.2 Powers and Duties (Amended 6/6/95)

The Personnel Board shall have the following powers and perform the following duties:

a. Provide advice and assistance to the Personnel Director/and or Personnel Consultant and the Mayor with respect to the performance of all functions of the Personnel Department.
b. Hear and decide the appeal of an employee for the allocation of his/her position to a particular grade on the Classification Plan established under this ordinance.

c. Perform such studies and investigations of personnel matters and such other duties relating to the City’s personnel administration program as the Mayor from time to time may direct.

13-2.3 Proceedings of Personnel Board

The Personnel Board shall meet regularly once a quarter of every year and may hold such special meetings as may be called by the Chairman, Mayor, the Personnel Director/and or Personnel Consultant or directed by vote of the Board. The Board shall keep a record of its proceedings, shall establish its own rules of procedure, and may, subject to appropriation, make such expenditures as are necessary to the performance of its functions.

Section 13-3 Classification Plan

13-3.1 Establishment of Classification Plan-Amended 4/3/2012

A Classification Plan shall be established for all positions in the service of the City, except those positions which are filled by popular election, those positions which are covered by collective agreements; "those positions which are temporary and/or seasonal"; and those positions which are under the direction and control of the School Committee. Said Classification Plan, or any amendment or adjustment thereto, shall be presented by the Mayor to the Municipal Council for adoption, and, following such adoption, shall be incorporated herein by reference. Said Classification Plan shall thereafter be kept on file in the office of the Personnel Director and/or Personnel Consultant.

Adoption of any Classification Plan shall be effective as of the date specified in the vote of the Municipal Council, which date may be retroactive, and may include such provisions for transition and implementation as the Mayor and Municipal Council may determine.

13-3.2 Classification of Positions

Positions shall be classified and allocated to the appropriate grades on the Classification Plan by the Personnel Director/and or Personnel Consultant in accordance with the Municipal Position Rating Manual published by the Massachusetts Municipal Association. The Personnel Director/and or Personnel Consultant shall prepare, and may amend from time to time, written definitions of the classes of positions in the Classification Plan, each including statements describing the kind of work, the distinguishing characteristics of the work, examples of the work, and the minimum qualifications for the class. The Personnel Director/and or Personnel Consultant with the appropriate Department Head shall determine the minimum qualifications for all classes of positions, except those positions which are subject to the Civil Service Law and those positions with minimum qualifications established by ordinance or determined by the Mayor or the Municipal Council.

13-3.3 Interpretation of Class Definitions

The definitions of the classes of positions shall be interpreted as descriptive only and not restrictive. The definitions for any class shall be construed solely as a means of identifying positions properly pertaining to the class, and not as prescribing what the duties or responsibilities of any position of the class shall be, nor as modifying or in any way affecting the right of the appropriate Department Head to assign duties to or direct and control the work of any employee under his jurisdiction.

13-3.4 Titles of Positions

No person shall be appointed, employed, or paid as an employee in any position under the Classification Plan under any title other than that of the class to which the position is allocated, except as is otherwise provided herein. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position as such, and shall be used to designate the position in all payrolls, budget estimates, and other official records and reports. If in the case of a position subject to the Civil Service Law, a different title for the position shall be established by the Civil Service Commission, such title shall be the official title of the position instead of the title established in the Classification Plan.

13-3.5 Appeal of Classification of Position

An employee who is aggrieved by the classification of his position to a particular grade on the Classification Plan may appeal such classification to the Personnel Board. Such appeal shall be submitted in writing to the Personnel Director/and or
Personnel Consultant and shall include a brief explanation of the reasons therefor. The employee shall be given the opportunity to appear before the Personnel Board to present his appeal. The City's basis for determining the grade for such position shall be presented by the Personnel Director and/or Personnel Consultant. The decision of the Personnel Board shall be final.

Section 13-4 Compensation Plan

13-4.1 Establishment of Compensation Plan

A Compensation Plan shall be established for all positions classified under the Classification Plan established in Section 13-3 of this ordinance. Said Compensation Plan, or any amendment or adjustment thereto, shall be presented by the Mayor to the Municipal Council for adoption, and, following such adoption, shall be incorporated herein by reference. Said Compensation Plan shall thereafter be kept on file in the office of the Personnel Director and/or Personnel Consultant.

Adoption of any Compensation Plan shall be effective as of the date specified in the vote of the Municipal Council, which date may be retroactive, and may include such provisions for transition and implementation as the Mayor and Municipal Council may determine.

13-4.2 New Employees

New employees, except as is otherwise provided herein, shall be paid at the minimum step of the grade for the positions in which they are employed. A new employee, with the approval of the Mayor, or with the approval of the Municipal Council in the case of those employees appointed by the Council, may be appointed at a step of the grade above the minimum step when the qualifications of such employee warrant employment at such higher rate of pay.

13-4.3 Periodic Step Increases

Each employee shall receive a step increase to the next higher step of the grade of the position in which he is employed upon the completion of fifty-two (52) workweeks of creditable service, as defined herein, in such position, provided his work performance during said period shall have been satisfactory. A step increase shall be effective at the beginning of the next pay period following the completion of the required waiting period.

Service which is creditable in the computation of said fifty-two (52) workweeks required before an employee is eligible for a step increase shall include the following:

   a. Continuous full-time or part-time paid employment, including periods of annual, sick or other leave with pay.

   b. Leave without pay or other periods of absence in a non-pay status not to exceed in total the equivalent of thirty (30) workdays within said fifty-two (52) week period. If at the end of said fifty-two (52) week period the total of an employee's leave without pay or other absence in a non-pay status is in excess of said thirty (30) workdays, the employee must serve in a pay status a number of days equal to the number of days of leave without pay or other absence in a non-pay status in excess of thirty (30) workdays in order to meet the length of service requirements for a step increase.

   c. Active military service when otherwise creditable service was interrupted.

Section 13-4.4 Promotion

In the event an employee, who has not attained the maximum step of the grade for the position in which he is employed, is promoted from such position to another position in the Classification and Compensation Plans, he shall, except as is otherwise provided herein, be placed at the step of the grade for the position to which he is being promoted which provides him with an increase in compensation which is not less than the amount of the next step increase to which he would have been entitled had he remained in the position from which he was promoted. In the event an employee who has attained the maximum step of the grade for the position in which he is employed, is promoted from such position to another position in the Classification and Compensation Plans, he shall except as is otherwise provided herein, be placed at the top of the grade for the position to which he is being promoted which provides him with an increase in compensation which is not less than the amount of his last step increase. Notwithstanding the foregoing provisions, an employee being promoted may, with the approval of the Mayor, or with the approval of the Municipal Council in the case of those positions for which the Council is the appointing authority, be placed at a step of the grade for the position to which he is being promoted which is higher than that provided for herein when the qualifications of the employee warrant promotion at a higher rate of pay.
Section 13-5.1 Mayor (amended 1/6/11) – Effective January 8, 2012, the Mayor shall be paid a salary equal to Grade 15, Step 1 on the City's Compensation Plan. A newly elected Mayor shall be paid a salary which is equal to the minimum step of the salary schedule established by the Compensation Plan for the appropriate grade as indicated above. As of the first Tuesday following the first Monday of each succeeding two year term, the salary of said Mayor, who is continuing in office, shall increase and shall be equal to the next higher step on the salary schedule established for the appropriate grade. This salary progression shall continue until the maximum step of the salary schedule for the appropriate grade is achieved.

Section 13-5.2 Acting Mayor –(amended 1/6/11) The Acting Mayor shall be paid per diem rate of the annual salary of Grade 15 Step 1 on the City's Compensation Plan.

Section 13-5.3 Councilor –(amended 11/16/10) Effective January 8, 2012, the annual salary of each member of the Municipal Council shall be $7,727.00.

Section 13-5.4 School Committee Member –(amended 11/16/10) Effective January 8, 2012, the annual salary of each member of the School Committee shall be $3,863.50.

Section 13-5.5 Other Elected Officials – Effective January 1, 2007. Equal to the salary on the Compensation Plan for the grades indicated below:

- City Clerk Grade 11
- City Collector Grade 11
- City Treasurer Grade 11

A newly elected official shall be paid an annual salary which is equal to the minimum step of the salary schedule established by the Compensation Plan for the appropriate grade as indicated above. As of January 1 of each succeeding year, the salaries of said elected officials, who are continuing in office, shall increase and shall be equal to the next higher step on the salary schedule established for the appropriate grade. This salary progression shall continue until the maximum step of the salary schedule for the appropriate grade is achieved.

Section 13-5.6 (Elected Officials Convicted of a Felony) (adopted 10/19/10)
Any elected official of the City of Attleboro, who during his or her term of office is convicted of any crime which is a felony, shall lose any further pay and/or benefits while in office.

Section 13-6 Personnel Rules and Regulations

Rules and Regulations for employees not covered by collective bargaining agreements shall be established by the Personnel Director/and or Personnel Consultant with the approval of the Municipal Council.

Collective Bargaining Agreements shall be kept on file in the Personnel Department.

Section 13-7 Civil Service Appointments (Amended 6/16/92)

13-7.1 Appointing Authority

Notwithstanding any other ordinance, the Mayor shall be the Civil Service Appointing Authority for all departments, boards and commissions of the city with the exception of positions under the control of the School Department.

13-7.2 Provisional Appointments

No civil service position shall be filled by provisional appointment until such position has been advertised in accordance with Section 13-8 of this ordinance.

13-7.3 Civil Service Examinations

The Personnel Director/and or Personnel Consultant shall from time to time advertise the scheduling of civil service examinations.

Section 13-8 Non-Civil Service Appointments (Amended 6/16/92)

(updated 8/20/2020)
No paid municipal employment vacancy subject to the provisions of this ordinance and not under Civil Service, whether full or part-time, shall be filled except as is otherwise provided herein until it has been conspicuously posted within all employee-occupied municipal buildings and advertised in a newspaper of general circulation in the city. If the vacancy is to be filled by the promotion of any employee, the vacancy need only be conspicuously posted in all employee-occupied municipal buildings. The application deadline for any such posted or advertised vacant position shall be no sooner than seven (7) days following said posting or publication. The posting and advertisement shall include the required education and experience and the proposed salary for the position and any additional information deemed necessary by the Personnel Director and/or Personnel Consultant or appointing authority.
Section 14-1 Planning Board

14-1.1 Organization

There is hereby established within the Municipal Government an unpaid Planning Board consisting of nine members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of five years, with the term of at least one member to expire each year. Members of the Board shall elect their Chairman annually.

14-1.2 Powers and Duties

The Planning Board, under the general supervision and control of the Mayor, shall make comprehensive plan of the City and Shall regulate the subdivision of land. It shall have all the powers and duties now or from time to time vested by the Attleboro Home Rule Charter, General Law or Special Act in Planning Boards.

14-1.3 Staff

The Planning Board, subject to appropriation, may employ such assistance as it deems necessary to carry out the functions of the Planning Board.

14-1.4 Proceedings of Planning Board

The Planning Board shall meet regularly once a month in July and August and twice a month in the other ten months of the year. It shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by vote of the Board. The Board shall keep a record of its proceedings, may establish its own rules of procedure, and subject to appropriation, may make such expenditures as may be necessary to the performance of its function.

Section 14-2 Department of Planning and Development (Amended 11/19/02)

14-2.1 Organization

There is hereby established within the Municipal Government, the Department of Planning Development headed by the Director of Planning and Development. The Mayor shall appoint the Director of Planning and Development subject to confirmation by the Municipal Council for a term of two years. The Director of Planning and Development shall have a Master's Degree in urban planning or a closely related field (or equivalent experience) and shall be especially fitted by education, training and experience to perform the duties of the office. The Director of Planning and Development shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

14-2.2 Powers and Duties

The Director of Planning and Development, under the general supervision and control of the Mayor, shall

a. Provide advice and assistance to the Mayor, Department Heads, and elected and appointed officials on all matters relating to the City's planning and development programs.

b. Be responsible to the Mayor for the development and analysis of City programs and the evaluation of their potential and actual impact upon the physical, economic and sociological conditions in the region.

c. Assist in developing strategies for the application and implementation of programs relevant to physical renewal.

d. Prepare and periodically update a capital improvement plan for the City of Attleboro.

e. Coordinate and review all grant applications and provide a report on such applications
to the City Council

f. Serve as a liaison between the City's planning office and the Massachusetts Department of Community Affairs, its operating agencies, and any regional districts.

g. Review and appraise the Comprehensive Plan for the City of Attleboro, and advise and assist the Planning Board with proposed amendments to that plan.

h. Provide professional planning advice and assistance to the Planning Board, Zoning Board of Appeals, and Conservation Commission.

i. Provide staff support to the Planning Board, Zoning Board and Conservation Commission in their public hearings, and day to day administrative and office functions.

14-2.3 Staff

The Director of Planning and Development, subject to appropriation, may employ such clerical, technical and other assistance as is deemed necessary to carry out the functions of the office.

Section 14-3 Fees

14-3.1 Special Permits

The fee for a special permit (see Section 17-10) shall be as follows:

a. Mobile Home Park: Fifty ($50.00) dollars for a mobile home park of fifty dwelling units or less, plus and additional two ($2.00) dollars for each additional dwelling unit. Whenever a new section of an existing mobile home park is applied for there shall again be a fee of fifty ($50.00) dollars for fifty dwelling units or less, plus an additional two ($2.00) dollars for each additional dwelling unit.

b. Open Space Residential Development: Forty ($40.00) dollars for a development of ten dwelling units or less plus an additional two ($2.00) dollars for each additional dwelling unit.

c. Planned Unit Development: Forty ($40.00) dollars for development of ten dwelling units or less, plus an additional two ($2.00) dollars for each additional dwelling unit.

d. Landfill: Six ($6.00) dollars per each acre or fraction thereof of the entire proposed landfill site for the initial application of or any renewal or revision requiring a new public hearing; two ($2.00) dollars per each acre or fraction thereof of the entire landfill site for renewal application not requiring a public hearing.

14-3.2 Subdivision Control (Amended 5/23/95)

The fee for applications filed under MGL Chapter 41 Subdivision Control Law shall be as follows:

- a. Plan Believed not Requiring Approval (Form A Plan) $50.00 plus $15.00 per residential lot created which meets the minimum lot requirement of the underlying use district.

- b. Preliminary Subdivision Plan (Form B Plan) $200.00

- c. Definitive Subdivision Plan (Form C Plan) $575.00 plus $25.00 per lot

- d. Street Abandonment Plan (Form D Plan) $175.00

- e. Street Extension Plan (Form E. Plan) $275.00 plus $1.00 per linear foot of roadway

- f. Schematic Plan $50.00

14-3.3 Zoning Ordinance Amendments Amended 1/17/06
There shall be a non-refundable fee of $250.00 for any application to amend the Zoning Ordinance (Chapter 17) under the provisions of the General Laws Chapter 40A. Said application fee shall be paid to the City Clerk and no zoning amendment petition shall be received by the Municipal Council unless a copy of the receipt for said application fee is attached.

Zoning amendments originated by any governmental body shall be exempt from the provisions of this Section.

Section 14-4 Environmental Planner (Amended 4/16/96)

14-4.1 Organization

There is hereby established within the Municipal Government the position of Environmental Planner. The Mayor shall appoint the Environmental Planner from candidates recommended by the Conservation Commission for a term of two years, subject to confirmation by the Municipal Council. The Environmental Planner shall possess at least a Bachelor's Degree in environmental science, land use management or a closely related field (or equivalent experience), knowledge of state statutes regarding conservation and wetlands management, and shall be particularly fitted by education training and experience to perform the duties of the office. The Environmental Planner shall receive such salary as the Municipal Council shall from time determine.

14-4.2 Powers and Duties (Amended 11/19/02)

The Environmental Planner, under the general supervision and control of the Director of Planning and Development and working in conjunction with other appropriate city officials, agencies and departments, shall supervise, coordinate and represent the city's interest in all matters pertaining to conservation, wetlands and natural resources. In addition, the Environmental Planner shall:

a. Provide administrative and technical assistance to the Conservation Commission and act as a liaison between the Commission and other city agencies;

b. Act as a special assistant to the Mayor in the area of conservation and natural resources;

c. Acting with the advice and consent of the Conservation Commission and under its direction, administer and enforce the Commonwealth's Wetlands Protection Act, including providing procedural information to applicants, analyzing all plans and data submitted to the Conservation Commission, preparing permits and related legal documents as voted by the Conservation Commission, and monitoring construction to ensure compliance with all Orders of Conditions;

d. Design and promote conservation land acquisition and wetlands management programs, identify funding sources, apply for appropriate grants, and administer grant-funded activities;

e. Verify wetlands boundaries, assess the hydrological impact of proposals for the Conservation Commission, and provide technical assistance to other city agencies on environmental matters;

f. Provide information to city officials and agencies and the general public regarding the location and uses of conservation land, wetlands, and flood plain and flood plain hazard areas;

g. Supervise and coordinate uses of city-owned conservation lands and any necessary maintenance activities;

h. Represent the City with regard to all federal, state and regional programs or projects concerning conservation or the environment.

Section 14-5 (Community Development Director) Adopted 9/18/01

There is hereby established within the Municipal Government the position of Community Development Director. The Mayor shall appoint the Community Development Director for a term of two years, subject to confirmation by the Municipal Council. The Community Development director shall possess at least a Bachelor’s degree in public administration, urban planning or a closely related field (or equivalent experience), knowledge of federal and state statutes regarding community development, and shall be especially fitted by education, training and experience to perform the duties of the office. The Community Development Director shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

(updated 8/20/2020)
The Community Development Director, under the general supervision and control of the Director of Planning and Development and working in conjunction with other appropriate city, state and federal officials and agencies, shall represent the city’s interests in all matters pertaining to community development. Specifically, the Community Development Director shall:

a. Identify community needs in the area of community development and promote the City’s capacity to fill such needs;

b. Supervise and direct staff assigned to community development activities;

c. Develop and implement the programs and activities to provide compliance with federal requirements for the City’s Community Development Block Grant;

d. Serve as liaison to community development projects with municipal planning and moderate income residents;

e. Coordinate community development projects with municipal planning and economic development staff and appropriate appointed commissions;

f. Provide assistance to the Mayor, Municipal Council, department heads and other officials with respect to community development issues and activities;

Section 14-6 Conservation Commission (adopted 5/18/10)

14-6.1 Organization
There is hereby established within the Municipal Government an unpaid Conservation Commission consisting of seven members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years, with the term of at least one member to expire each year. Members of the Conservation Commission shall elect their Chairman annually.

14-6.2 Powers and Duties
The Conservation Commission, under the general supervision and control of the Mayor, shall exist for the promotion and development of the natural resources and for the protection of watershed resources of Attleboro. It shall have all the powers now or from time to time vested by the Attleboro Home Rule Charter, General law or Special Act in Conservation Commissions.

14-6.3 Staff
The Conservation Commission, subject to appropriation, may employ such assistance as it deems necessary to carry out the functions of the Conservation Commission.

14-6.4 Proceedings of Conservation Commission
The Conservation Commission shall meet regularly once a month in July and August and twice a month in the other ten months of the year. It shall hold such special meetings as may be called by the Chairman the Mayor, or directed by vote of the Conservation Commission. The Conservation Commission shall keep a record of its proceedings, may establish its own rules of procedure, and subject to appropriation, may make such expenditures as may be necessary to the performance of its function.
CHAPTER 15
POLICE

Section 15-1 Police Department

15-1.1 Organization

There is hereby established within the Municipal Government a Police Department, headed by a Police Chief. The Mayor shall appoint the Police Chief from those persons who have qualified under the Civil Service eligible list of the City in accordance with Civil Service Laws, Rules and Regulations. The Police Chief shall receive such salary as the Municipal Council shall determine by ordinance.

15-1.2 Powers and Duties

The Police Chief, under the general supervision and control of the Mayor, shall administer the Police Department, and shall have charge of the preservation of public order and tranquility, the promotion of the public health, safety and morals, and the prevention, detection and punishment of crimes.

The Police Chief, and other police officers under his control shall have all the powers and duties now or from time to time vested by General Law or Special Act in Police Chief and Police Officers.

15-1.3 Staff (Amended 9/4/07, 3/1/16)

The Mayor, upon recommendation of the Police Chief and subject to appropriations, may employ no more than one deputy chief, three captains of police, five lieutenants of police, eleven sergeants of police, seventy police patrolmen, and such detention attendants, reserve officers, auxiliary officers, special officers, clerks, dispatchers, and building custodians as the Mayor, subject to the approval of the Municipal Council, may from time to time determine.

15-1.4 Constables

The Mayor may appoint such constables as he deems proper, to serve for a term of one (1) year, subject to confirmation by the Municipal Council. Constables shall be sworn according to law, and shall be under the control of the Police Chief and subject to the ordinances, rules and regulations relating to the Police Department. Constables shall diligently attend to the preservation of the peace, to the prevention of thefts and the loss or injury of property, and shall receive such compensation as the Mayor and Municipal Council shall from time to time determine.

Constables shall have all the powers and duties now or from time to time vested by General Law or Special Act in Constables.

15-1.5 Aid to Other Cities

The Police Chief, and in his absence, the officer in charge, may authorize members of the department to go to the aid of another city or town in performing police work therein, if in his opinion the police protection of the City of Attleboro is not jeopardized; and while in the performance of their duties in extending such aid, the members of the department shall have the same immunities and privileges as if performing the same within this City as provided for by the General Laws, Chapter 41, Section 99.

Section 15-2 Board of Police Commissioners

15-2.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Police Commissioners consisting of three members to be appointed by the Mayor, subject to the confirmation of the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years, with the term of one member to expire each year. Members of the Board shall elect their Chairman annually.

15-2.2 Powers and Duties

(updated 8/20/2020)
The Police Commissioners shall act in an advisory capacity to the Mayor and the Police Chief in matters of contract, budget, personnel, discipline, rules and regulations, and such other matters as the Mayor or the Police Chief may request.

15-2.3 Proceedings of Board of Police Commissioners

The Board of Police Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, the Police Chief, or directed by vote of the Board. The Board shall keep a record of its proceedings, may establish its own Rules of Procedure, and subject to appropriation, may make such expenditures as may be necessary to the performance of its functions.

15-3 ALARM REGULATIONS Adopted Sept. 5, 2006 to become effective December 31, 2006, amended 6/5/07

15-3.1 Purpose

The purpose of this Regulation is to encourage Alarm Users and Alarm Companies to properly use and maintain the operational effectiveness of Alarm Systems in the City of Attleboro in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

This Regulation governs Alarm Systems intended to summon Attleboro Police Department response, and requires licensing and registration, establishes fees, provides penalties for violations and establishes a system of administration.

15-3.2 Definitions

In this Regulation the following terms and phrases shall have the following meanings:

Alarm Administrator means a Person or Persons designated by the Police Chief to administer the provisions of this Regulation and control and review False Alarm reduction efforts.

Alarm Company means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

Alarm Dispatch Request means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

Alarm Registration means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

Alarm Site means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

Alarm System means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

Alarm User means any Person, who has contracted for Monitoring, repair, installation or maintenance service from an Alarm Company or Monitoring Company for an Alarm System, or who owns or operates an Alarm System that is not monitored, maintained or repaired under contract.

Arming Station means a device that allows control of an Alarm System.

Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

Cancellation means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the Police Department that there is not an existing situation at the Alarm Site requiring police response after an Alarm Dispatch Request.
Conversion means the transaction or process by which one Alarm Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

Duress Alarm means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires police response.

False Alarm means the activation of an alarm system requesting, requiring or resulting in a response by the Police Department when in fact the responding officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site. 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 shall not be deemed to be a false alarm.

Hearing Officer means the Chief of Police, or someone appointed by the Chief of Police, to act as an impartial arbitrator at hearings related to the enforcement of this Regulation.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

License means a license issued by the Alarm Administrator to an Alarm Company to sell, install, monitor, repair or replace Alarm Systems.

Local Alarm System means any Alarm System, which is not monitored, that annunciates, audible or otherwise, an alarm only at the Alarm Site.

Monitoring means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department for the purpose of summoning law enforcement to the Alarm Site.

Monitoring Company means a Person in the business of providing Monitoring services.

Panic Alarm means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response.

Person means an individual, corporation, partnership, association, organization or similar entity.

Police Department means the Attleboro Police Department.

Registration Period means a period of time not to exceed two years from the date of issuance, as determined by the Alarm Administrator.

Responder means an individual capable of reaching the Alarm Site within 25 minutes after notification and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

SIA Control Panel Standard CP-01 means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

Verify means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting Police Department dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

Zones means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.
No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site within the City of Attleboro without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

The Alarm Administrator shall determine the requirements for the Alarm Registration applications.

An Alarm Registration form may be obtained at the Attleboro Police Department or on the Police Department website.

The initial Alarm Registration must be submitted to the Alarm Administrator within ten (10) business days after the Alarm System installation or Alarm System Takeover.

Upon receipt of a completed Alarm Registration application form, the Alarm Administrator shall register the applicant unless the applicant has:

1. Failed to pay a fine assessed under Section 9;
2. Failed necessary requirements for the Alarm Registration application.

Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within ten (10) business days of such change.

All fines owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

### 15-3.3.1 Alarm Registration Duration and Renewal

An Alarm Registration shall be for a period not to exceed two years from the date of issuance, ending on December 31 of the second year. Registrations must be renewed by submitting an updated application to the Alarm Administrator.

A $5 late fee shall be assessed if the registration renewal is more than thirty (30) days past the date of expiration.

### 15-3.4 Duties of Alarm User

An Alarm User shall:

Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms

Have available a Responder who can be at the Alarm System's location within 25 minutes of notification by the Police Department, in order to:

- Deactivate an Alarm System
- Provide access to the Alarm Site; and/or
- Provide current information on and notify the Alarm Administrator of any changes in information on the two required Responders
- Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report

If the Alarm User does not have a Responder the Alarm Administrator may permit a hardship waiver of this requirement. Such waiver shall be for valid reasons. The Alarm User shall request, in writing, to the Alarm Administrator for such waiver.

An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.

An Alarm User shall have a Licensed Alarm Company inspect the Alarm System after six (6) False Alarms in one calendar year. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System.

After eight (8) False Alarms within a calendar year, the Alarm User must have a Licensed Alarm Company modify the Alarm System to be more false alarm resistant or provide additional user training, as appropriate.
An Alarm User shall not use Automatic Voice Dialers.

An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

False Alarms caused by the actions of on-scene employees of an Alarm Company shall not be credited against the Alarm User, but shall be the responsibility of the Alarm Company and fined under the General Fines and Penalties.

### 15-3.5 License or Licensing

All Alarm Companies and Monitoring Companies doing business within the boundaries of the City of Attleboro shall obtain a License from the City. Such License shall be deemed valid unless revoked or suspended be the Alarm Administrator.

License fees shall be as follows:

License Fee $100

There shall be no Renewal Fee.

The Alarm Administrator shall determine the requirements of License applications.

It shall be a violation of this Regulation if a Monitoring Company:

- Submits an Alarm Dispatch Request to any Alarm Site while unlicensed, or
- Continues Alarm Dispatch Requests to any Alarm Sites after notification by the Alarm Administrator that the Company’s license has been suspended or revoked.

### 15-3.5.1 Duties of Alarm Company and Monitoring Company

The Alarm Company shall provide written and oral instructions to each Alarm User in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

Alarm Companies shall, on new installations, use only alarm control panels that meet SIA Control Panel Standard CP-01.

An alarm company shall not use Automatic Voice Dialers.

After completion of the installation of an Alarm System, an Alarm Company employee shall review with the Alarm User the False Alarm Prevention Checklist provided by the alarm company and approved by the Alarm Administrator.

A Monitoring Company shall:

- Report alarm signals by using telephone numbers designated by the Alarm Administrator
- Verify every alarm signal, except Panic or Holdup Alarm activations, before requesting police response to an Alarm System signal; in the event of Panic or Holdup Alarm activation, the Monitoring Company will attempt to verify the alarm immediately after contacting the Police Department
- Communicate Alarm Dispatch Requests to the Police Department.
- Communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator
- Ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm
- Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request
- Communicate type of alarm activation (silent or audible, interior or perimeter)
• After an Alarm Dispatch Request, promptly advise the Police Department if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site, and

• Notify the Alarm User or authorized representative within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made.

• An Alarm Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

15-3.6 Duties and Authority of the Alarm Administrator

The Alarm Administrator shall:

Designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests, and

Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below:

• Identification of the registration number for the Alarm Site

• Identification of the Alarm Site

• Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator’s name or number

• Date and time of police officer arrival at the Alarm Site

• Zone and Zone description, if available

• Weather conditions

• Name of Alarm User's representative at Alarm Site, if any

• Identification of the responsible Alarm Company or Monitoring Company

• Whether the officer was unable to locate the address of the Alarm Site, and

• Cause of alarm signal, if known.

• The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm by Monitoring Companies. The notice shall include the following information:

• The date and time of police response to the False Alarm, and

• A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected and serviced in order to avoid False Alarms and resulting fines.

• The Alarm Administrator may require a conference with an Alarm User and the Alarm Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

• The Alarm Administrator may adjust the count of False Alarms based on:

• Evidence that a False Alarm was caused by an Act of God

• Evidence that a False Alarm was caused by action of the telephone company

• Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours, and/or
• Evidence that the Alarm Dispatch Request was not a False Alarm.

The Alarm Administrator will make a copy of this Regulation and/or an Regulation summary sheet available to the Alarm User upon registration or request.

The Alarm Administrator may waive this fine for a non-registered system if the Alarm User submits an application for Alarm Registration within five (5) business days of notification of such violation.

The Alarm Administrator, or his designee, shall be authorized to issue written notice of violations. In accordance with the provisions of General Laws Chapter 40, §58, a lien, known as the municipal charges lien, may be imposed by the Alarm Administrator in real property owned by a person who fails to pay any such fine assessed herein. Such lien may be discharged by recording in the Registry of Deeds a certificate from the City Collector indicating that any such fine has been paid or legally abated. All costs of recording of discharging such lien shall be borne by the owner of the property.

15-3.7 Notifications

Monitoring Companies shall notify Alarm Users or their authorized representatives after each False Alarm.

The Alarm Administrator will notify the Alarm User and the Alarm Company or Monitoring Company in writing of the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Company or Monitoring Company.

15-3.8 Fines and Penalties

Violations of any provision of this Regulation, except those prescribed in Section 15-3.9, shall be subject to a fine of $50 for the first offense, $100 for a second or subsequent offense.

15-3.9 False Alarms

An Alarm User shall be subject to fines, depending on the number of False Alarms within a calendar year, based upon the following schedule:

<table>
<thead>
<tr>
<th>Number of False Alarms</th>
<th>Fine Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>No Fine</td>
</tr>
<tr>
<td>6</td>
<td>$75</td>
</tr>
<tr>
<td>7</td>
<td>$100</td>
</tr>
<tr>
<td>8</td>
<td>$200</td>
</tr>
<tr>
<td>9 and each thereafter</td>
<td>$300</td>
</tr>
</tbody>
</table>

*If Cancellation occurs prior to the Police Department arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.*

Every Police Department response to a false Duress, Holdup or Panic Alarm at an Alarm Site is subject to an additional fine of $50.

Any Person operating a non-registered Alarm System in violation of the provisions of Section 3.0 shall be subject to an additional fine of $50 for each False Alarm, in addition to any other fines.

15-3.9.1 Appeals

If the Alarm Administrator denies the issuance of an Alarm Registration, or suspends or revokes an Alarm License, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant Alarm Company or Monitoring Company.

The Alarm Company or Monitoring Company may appeal the decision of the Alarm Administrator to a Hearing Officer as follows:

(updated 8/20/2020)
The applicant Alarm Company or the Monitoring Company may file a written request for a review by paying an appeal fee of $20 and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator.

The Hearing Officer shall conduct a hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Hearing Officer shall make his/her decision on the basis of the preponderance of evidence presented at the hearing. The Hearing Officer must render a decision within twenty (20) days after the date of the hearing. The Hearing Officer shall affirm or reverse the decision of the Alarm Administrator.

Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Registration or requiring payment of a fine, until the Hearing Officer has completed his/her review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

The Alarm Administrator, or his designee, shall be authorized to issue written notice of violations. In accordance with the provisions of General Laws Chapter 40 Section 58, a lien, known as the municipal charges lien, may be imposed by the Alarm Administrator in real property owned by a person who fails to pay any such fine assessed herein. Such lien may be discharged by recording in the Registry of Deeds a certificate from the City Collector indicating that any such fine has been paid or legally abated. All costs of recording of discharging such lien shall be borne by the owner of the property.

15-3.10 Reinstatement

An Alarm Company whose Alarm license has been suspended or revoked may, at the discretion of the Alarm Administrator or the Hearing Officer, have the Alarm license reinstated by the Alarm Administrator or the Hearing Officer if the Person:

- Submits a new application and pays a $25 reinstatement fee
- Pays, or otherwise resolves, all outstanding citations and fines

15-3.11 Confidentiality

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the City, and by any third-party administrator or employees of a third-party administrator with access to such information.

15-3.12 Government Immunity

Alarm Registration shall not create any contract, duty or obligation upon the City of Attleboro, implied or express, to respond to an alarm. The City of Attleboro and its officers, agents and employees shall not be liable for any claim, loss, damage or consequence resulting from the failure to respond to an alarm. All incidents of immunity as provided by law are retained by the City of Attleboro and its officers, agents and employees. By applying for an Alarm Registration, the Alarm User acknowledges that Police Department response, or lack thereof, may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels.

15-3.13 Severability

The provisions of this Regulation are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

15-4 Precious Metals and Gems Regulations (Adopted 4/19/11) amended 9/18/12

15-4.2 For the purpose of this ordinance the term "precious metals" shall be defined as including gold, silver, sterling silver, platinum, palladium and rhodium. The term "precious gem" shall be defined as a cut or uncut and polished or unpolished precious stone or pearl including but not limited to diamond, opal, ruby, sapphire, emerald, pearl, amethyst, aquamarine, peridot and cat's eye.

(updated 8/20/2020)
15-4.2  Any dealer of jewelry, precious metals or precious gems sold as a separate item(s) or in combination with precious metals as a piece of jewelry and any pawnbroker shall keep a legibly written record in the English language of every purchase or pawn transaction involving used precious metals, other than coins purchased for their numismatic value, made by such dealer or pawnbroker, which shall contain the following information:

1. An account or description, including all distinguishing marks and or identifying numbers, of said jewelry, precious metals or precious metal items purchased.

2. The amount of money paid for such items, the time and date of purchase,

3. And the name and address of the person selling such item(s).

15-4.3 Every such dealer or pawnbroker will furnish a correct record of such transactions, containing all such information once a week (or more often if desired by the business owner) to the Chief of Police or his designee. The preferred method of submission shall be determined by the Chief of Police and may be amended after appropriate notification.

15-4.4 Every dealer of used precious metals or precious gems shall require the seller to provide identification that includes a photograph of the seller, and shall photocopy such identification and keep a copy with said record books.

15-4.5 All precious metals or gems covered by this ordinance that are purchases or pawned shall be held for the time period of a minimum of fourteen (14) days unless (1) said pawn transaction is terminated with the repayment pursuant to a pawn agreement or (2) an annual waiver from the Chief of Police asking items to be held for zero (0) days for the purpose of jewelry remanufacturing. The waiver request must state the name of the business, the business address, business telephone number and reason for the waiver to be granted. This vote takes effect immediately upon its passage.

15-4.6 This ordinance shall be monitored and enforced by the Attleboro Police Department. Violations of any part of this ordinance shall be punished by a fine of $300.00 for each offense pursuant to M.G.L. Chapter 40 § Section 21.

15-5 Prohibition regarding Child Sex Offender in Child Safety Zone (adopted 10/20/11)

15-5.1 Definitions

For the purpose of this ordinance the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall:" is always mandatory and not merely directory. The terms "sex offender registry" and "sex offense involving a child" shall have the meanings given under Massachusetts General Laws Chapter 6, Section 178C, as amended from time to time.

(a) Child safety zone means:

A park, playground, recreation center, library, school, day care center, video arcade, swimming pool or wading pool, gymnasium, sports field, or sports facility, including the parking area and grounds appurtenant to any of the aforementioned facilities, and school or camp bus stops, which is:

1. Owned or controlled by any department, agency, or authority of the City of Attleboro, including but not limited to the School Department of the City of Attleboro, or

2. Leased by the City of Attleboro to another person.

(b) Child sex offender means:

1. Any person required to register as a sex offender pursuant to Massachusetts General Laws Chapter 6, Section 178C to 178P, inclusive, as amended from time to time, and finally classified with a level 2 or level 3 designation by the Sex Offender Registry Board or its successor under Section 178K of said Chapter 6 and whose victim was a child under the age of 16; and

2. Any person who has not yet been finally classified by the Sex Offender Registry Board or its successor pursuant to Massachusetts General Laws Chapter 6, Section 178C to 178P, as amended from time to time, and who has been convicted of or who has been adjudicated as a youthful
offender or as a delinquent juvenile, or a person released from incarceration or parole or probation supervision or custody with the Massachusetts Department of Youth Services or its successor for such a conviction or adjudication of a sex offense involving a child;

3. A person who has been adjudicated a sexually dangerous person under Section 14 of Massachusetts General Laws Chapter 123A, as in force at the time of adjudication, or a person released from civil commitment pursuant to Section 9 of said Massachusetts General Laws Chapter 123A, whichever last occurs, on or after August 1, 1981 and whose victim was a child under the age of 16;

4. A person who has been convicted in any state other than the Commonwealth of Massachusetts, in a federal or military court, or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes comprising a sex offense involving a child and which requires registration as a sexual offender in each other state or in the federal or military system and whose victim was a child under the age of 16;

15-5.2 Prohibition.

It shall be unlawful for a child sex offender to enter and/or be present in any child safety zone.

15-5.3 Exceptions

The provisions of this ordinance shall not apply to the following:

1. The child sex offender has been removed from the Massachusetts Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry, or the child sex offender is reclassified with a level 1 designation in Massachusetts or the lowest offender category in another jurisdiction.

2. The child sex offender enters and/or is present within the child safety zone for a use lawfully attended by his or her natural or adopted child(ren), subject to the following conditions:
   A. The use reasonably requires the attendance of the child sex offender as the child's parent within the child safety zone; and
   B. The child sex offender's entrance and presence within the child safety zone occurs only during the hours of activity related to the use as posted to the public.

3. The child sex offender votes at a designated polling location for a local state or federal election located in the child safety zone, subject to all of the following conditions:
   - The child sex offender is eligible to vote;
   - Said location is the designated polling place for the child sex offender and;
   - The child sex offender enters the polling place, proceeds to cast a ballot

4. The child sex offender lawfully attends school as an enrolled student, provided that the child sex offender shall only enter the child safety zone for such purposes and shall only remain for so long as is reasonably required for the educational purposes of the school,

5. The child sex offender attends an official meeting of a governmental body, provided that the child sex offender leaves the child safety zone immediately upon completion of such meeting.

6. The child sex offender attends an addiction recovery program and leaves the child safety zone immediately upon completion of such meeting.

7. The child sex offender sufficiently demonstrates, to the chief of police or his designee, that the child sex offender poses minimal risk to the community and, if prohibited from entering and/or being present in the child safety zone, will sustain significant harm.

15-5.4 Notice
The chief of police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this section (which notice shall contain a copy of the ordinance) to all persons who are listed on the sex offender registry as of the effective date of this section and who were finally classified with a level 2 or level 3 designation, as well as those persons who are added to the sex offender registry at such levels thereafter, which persons’ addresses (as shown on the sex offender registry) are within the City of Attleboro. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the sex offender registry or as otherwise known to the chief of police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this section.

15-5.5 Enforcement Procedures

1. Upon reasonable belief of a police officer that a child sex offender is present in a child safety zone in violation of this section, the officer shall obtain from the suspected child sex offender his/her name, address, and telephone number. Should the police officer thereafter establish that the individual is a child sex offender as defined in this ordinance, then the officer shall issue a written citation that such individual is in violation of this section and also require that the individual shall immediately leave the child safety zone. An individual who refuses to leave or is later found to be in the same child safety zone, shall be subject to the penalties set forth at Section 15-5.6.

2. A map depicting and a written list describing the child safety zones shall be created and maintained by the Planning Department of the City, which shall be reviewed annually for changes. Said map and list as well as a copy of this ordinance shall be available to the public at the offices of the Attleboro Police Department and Attleboro City Clerk and at all public buildings and will also be posted on the City of Attleboro’s official website. In the event that the list, map or the words of this ordinance shall conflict, then the words of this ordinance shall control.

15-5.6 Penalties and Remedies

1. Any person violating this ordinance may be penalized by indictment or on complaint brought in the district court. The first violation shall result in a criminal fine of up to $150.00. Refusal to leave a child safety zone or being later found in the same child safety zone shall result in a criminal fine of up to $300.00. A second violation of this ordinance shall be subject to a criminal fine of up to $300.00. A child sex offender commits a separate offense for each and every violation of this section.

2. As an alternative, any person who violates this ordinance may be penalized by a non-criminal disposition as provided in Massachusetts General Laws Chapter 40, Section 21D. The first violation shall result in a non-criminal fine of $150.00. Refusal to leave a child safety zone or being later found in the same child safety zone shall result in a non-criminal fine of $300.00. A second violation of this ordinance shall be subject to a non-criminal fine of $300.00.

3. Except for personal who are not yet seventeen (17) years of age when they commit any such offense, a violation of this ordinance may further constitute a violation of Massachusetts General Laws Chapter 272, Section 59, for which the violator is also subject to immediate arrest without warrant.

4. The issuance of a citation shall not preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section, to include written notification to the parole and/or probation officer and the Commonwealth’s Sex Offender Registry Board or its successor that the child sex offender has violated a municipal ordinance.

5. Injunction. If a child sex offender is present upon or within a child safety zone in violation of Section 15-5.2 above, the City Solicitor may bring an action in the name of the City to permanently enjoin any such violation.

15-5.7 Severability

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 15-6 Fingerprint History Check Authorization Ordinance (Adopted 12/3/13)

Section 15-6.1 General Information

(updated 8/20/2020)
The Police Department of the City of Attleboro (hereinafter, the “City”) shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople (Licensing Authority: Municipal Council, License Committee),
- Hackney Carriage Drivers (Licensing Authority: Municipal Council, License Committee),
- Ice Cream Truck Vendors (Licensing Authority: Municipal Council, License Committee).

Section 15-6.2 Powers and Duties
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” which explains the requirements for City ordinances and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the City 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 ordinance 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 ordinance.

The City authorizes the Massachusetts State Police, the DCJIS, and FBI, and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ordinance. The City authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this ordinance. The State and FBI criminal history will not be disseminated to unauthorized entities.

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 ordinance until it has taken the steps detailed hereafter. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the City 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 Municipal Council, is authorized to promulgate regulations for the implementation of the proposed ordinance, but in doing so it is recommended that they consult with the Chief of Police, City Solicitor 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.

Section 15-6.3 Use of Record by Licensing Authorities
Licensing authorities of the City 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 ordinance. The City 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 City policies bearing on an applicant's suitability in making this determination.

The licensing authority must provide the applicant with the opportunity to challenge the accuracy or completeness of the FBI criminal history. 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. The licensing authority will not deny an applicant the license based on the 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. If the applicant wants to challenge the accuracy or completeness of the record, the licensing authority must advise the applicant that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34.

The City 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 ordinance.

Section 15-6.4 Fees
The fee charged by the Police Department for the purpose of conducting fingerprint-based record background checks shall be fifty dollars ($50). The City Treasurer shall periodically consult with City Solicitor and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

A portion of the fee ($30), 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 ($20) shall be retained by the City for costs associated with the administration of the fingerprinting system.

Section 15-6.5 Effective Date

This ordinance shall take effect 120 days after being approved by both the Municipal Council and the Mayor of Attleboro.
Chapter 16
Department of Public Works and Departments of Water and Wastewater

16-1.1 Organization  There is hereby established within the Municipal Government a Department of Public Works headed by a Superintendent of Public Works. The Mayor shall appoint the Superintendent of Public Works, subject to confirmation by the Municipal Council, for a term of three years. The Superintendent of Public Works shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive the salary established for the position under the City's Compensation Plan.

16-1.2 (Powers and Duties)  (Amended 5/19/92 to become effective 7/1/92) The Superintendent of Public Works, under the supervision and control of the Mayor, shall have charge of the construction, alterations, repair, maintenance and management of public ways and sidewalks, storm drains, and engineering services, except as otherwise provided. He shall also perform such other duties reasonably related to the duties and responsibilities of a Superintendent of Public Works as the Mayor may direct.

He shall have all the powers and duties now or from time to time vested by General Law or Special Act in Road Commissioners, Surveyors of Highways, and Superintendents of Streets.

16-1.3 Staff  The Superintendent of Public Works, subject to appropriation, may employ such engineering, labor, clerical, technical and other assistance as he deems necessary to carry out the functions of the Public Works Department.

Section 16-2 Streets and Ways

16-2.1 The Municipal Council may lay out, alter, relocate or discontinue streets or ways in the City of Attleboro. Any application submitted to the Municipal Council for the said laying out, altering, relocating or discontinuing of streets or ways shall be accompanied by a plan and profile satisfactory to the Superintendent of Public Works.

16-2.2 The Municipal Council shall cause written notice of the proposed laying out, altering, relocating or discontinuing to be given at least seven (7) days in advance of a public hearing, to the owners of all land which would be taken for such purpose of which is shown as abutting the street or way. Such notice shall be given by mailing the same, postage prepaid, to the last known address of the person to be notified. Any modifications presented or discussed at the hearing may be embodied in an order and an appropriate vote therefore without further hearing.

16-2.3 If after such hearing the Municipal Council shall adjudge that the public necessity and convenience require the improvement, it shall, as soon as may be, proceed to lay out, alter, relocate or discontinue such street or way. A description of every layout, alteration, relocation or discontinuance, together with a plan and profile thereof, shall be recorded with the Department of Public Works and with the office of City Clerk. Betterments may be assessed in the manner provided by law.

16-2.4 Any streets to be constructed or accepted as public ways by the City of Attleboro, other than those subject to subdivision control law, shall be constructed with a minimum of one and one-half inch bituminous concrete surface over a properly prepared sub-base and shall have a lay-out of at least forty (40) feet in width if such width can be secured without unreasonable injury to adjoining estates.

16-2.5 No private way adopted, designed for or dedicated to public use shall open into any public street or way, unless such private way is at least forty (40) feet wide, no unless it is in a reasonably safe condition for public travel at all seasons of the year as determined by the Municipal Council. The Municipal Council may cause the entrances of private ways into public streets and ways to be closed in whole or in part as it may deem necessary for the safety of the public.

16-2.6 No driveway hereinafter constructed, altered or changed shall be more than twenty-five (25) feet in width and not more than two (2) such driveways shall be placed within one owner's property frontage of one hundred (100) feet. For the purpose of this section, a "driveway" is defined as that portion of the sidewalk used by vehicles, bounded by street curb opening or otherwise, over which access from the traveled highway to abutting property is obtained.

(updated 8/20/2020)
16-2.7 (Amended 12/5/95) No water or sewer pipe shall be laid in any private street or way until plans and profiles of such street or way have been filed with the Department of Public Works (Department) and approved by the Superintendent of Water and Wastewater. After completion of said work, as-built or record drawings shall be filed with the Department.

Section 16-3 Assessments--Sidewalks (Amended 12/21/93)
A sidewalk betterment assessment may be imposed by order of the Municipal Council. Such order shall include a description of the area involved, refer to a plan of the area and shall contain an estimate of the betterments that will be assessed on each parcel of land within the area. The order, plan and estimate shall be recorded in the registry of deeds within ninety (90) days after the adoption of the order.

16-3.1 Sidewalk Assessment Rate
When a sidewalk betterment assessment is imposed by order of the Municipal Council, fifty (50) percent of the actual cost of a sidewalk installed by the City of Attleboro upon the request of an owner or owners of land in front of which the sidewalk is placed will be assessed against said owner or owners and the remainder of the cost shall be borne by the City. All costs will be allocated on the basis of the linear footage of land adjacent to the sidewalk.

16-3.2 Sidewalk/Street Occupancy (Adopted 12/5/95)
There shall be a charge of one hundred fifty ($150.00) dollars for occupying a sidewalk/street for a maximum of three (3) days. The rate for each additional day will be twenty ($20.00). There will be no charge when occupying for cookouts or sidewalk sales.

Section 16-4 Names of Streets
16-4.1 The several streets in the city shall continue to be called and known by the names by which they are now called and known until the same shall be changed by the Municipal Council. The Municipal Council shall give name to all streets hereafter laid out and may be a two-thirds (2/3) vote in favor thereof change the name of a street at any time.

16-4.2 The City Clerk shall keep a book, to be furnished by the city, in which names of all streets and ways now established and laid out, or hereinafter to be laid out, within the city shall be entered with a brief description thereof, the date of layout or acceptance of same, if known, with the boundaries and widths thereof, any alterations at any time made therein and a statement of landmarks or other established monuments appertaining thereto so far as the same can be ascertained.

16-4.3 It shall be the duty of the Superintendent of Public Works to cause suitable signs, setting forth the name of the street, lanes, alley or court, to be placed and maintained on or near the corners of streets, lanes alleys or courts, in such style and in such number as he shall deem necessary and convenient.

Section 16-5 Number of Buildings
16-5.1 It shall be the duty of the Superintendent of Public Works to assign a number to all dwelling houses or other buildings now standing or hereafter to be erected and fronting on any street or way within the City. When any such building shall hereafter by erected the Inspector of Buildings shall forthwith notify the Superintendent of Public Works thereof, and the said Superintendent shall thereupon assign a number thereto. The owner shall affix the number so that it will be plainly visible from the street.

16-5.2 Such numbers shall, in the business portion of the city, each cover a frontage of ten (10) feet, more or less, in the resident portions of the city a frontage of twenty-five (25) feet, more or less, at the discretion of the Superintendent of Public Works, and measurements for such assignment of numbers shall be made continuously from end to end of the street or way. The odd numbers shall be on the right-hand side of the street or way as one goes from the principal street from which it opens, and the even numbers similarly on the left-hand side of the street. The Superintendent of Public Works may order any street already numbered or partially numbered to be renumbered whenever he deems it necessary.

Section 16-6 Disturbing Public Ways and Other Areas
16-6.1 General (Amended 12/5/95) No person shall disturb, break into or dig up the ground or pavement in any public street or way, or any sidewalk, common or other public place in the City, or erect any staging for the building thereon, or place any materials thereon, unless a permit to do so has been granted by the Superintendent of Public Works (Superintendent). This ordinance shall not apply to employees of the City of Attleboro acting under the direction of the Superintendent of Public Works, of the Department of Water and Wastewater for the maintenance and repairs of water and sewer lines and appurtenances.

16-6.2 Application Application for said permit shall be made to the Superintendent in such form as he may determine. The Superintendent shall grant the permit in accordance with the provisions of this ordinance on such conditions as he deems (updated 8/20/2020)
appropriate. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided for herein. The permit may be renewed by the Superintendent for an additional period of time upon written application therefor by the permit holder.

16-6.3 Notice to Public Utility Company and Others No permit, except in the case of emergency, shall be granted hereunder until the applicant has first filed with the Superintendent copies of notices of the proposed excavation which are required, under the provisions of General Laws Chapter 82, Section 40, to be given to public utility companies, natural gas pipeline companies and cable television companies, together with a written statement certifying that the notices have been mailed or delivered to such companies, or until the applicant has complied with any legally acceptable alternative to this procedure. In an emergency where the applicant has been unable to give said notice at the time prescribed by such statute, copies of such notices and said written statement shall be filed with the Superintendent as soon as said notice has been given.

16-6.4 Performance Bond No permit shall be granted unless the applicant first files a performance bond with the City designed to assure that the area disturbed under the permit shall be restored to a condition acceptable to the Superintendent. The bond shall be in an amount sufficient in the opinion of the Superintendent, but in no case less than five thousand dollars ($5,000.00), to pay the cost of restoring the disturbed area if the permit holder fails to do so. The bond shall be issued by a surety company licensed to do business in the Commonwealth of Massachusetts and shall be in such form as approved by the City Solicitor.

If an applicant anticipates requesting more than one permit during any calendar year, the applicant, in lieu of filing a performance bond for each permit as indicated above, may file a continuing performance bond designed to cover the cost of restoring each and every area disturbed by the applicant under each permit granted during the calendar year. The continuing performance bond shall be in an amount estimated by the Superintendent to be sufficient to cover the costs of any restoration work which may reasonably be involved in connection with the number of permits the applicant anticipates requesting during the calendar year, provided, however, that no permit shall be granted if, at the time it is to be issued, the amount of the continuing performance bond then in effect shall be less than the anticipated cost of restoring the area to be disturbed for five thousand dollars ($5,000.00) whichever is greater.

No bond posted under this section shall be released until twelve (12) months after the area disturbed has, in the opinion of the Superintendent, been properly restored.

16-6.5 Indemnification and Liability Insurance By accepting a permit hereunder, the permit holder shall agree to hold harmless and indemnify the City, its officers, employees and agents from and against any and all liability, claims, losses and damages to persons or property arising out of or resulting from the work performed under the permit. In order to insure the fulfillment of the foregoing, the permit holder shall carry comprehensive general liability insurance, including bodily injury and property damage, in limits of $100,000 per occurrence for bodily injury and $50,000 per occurrence for property damage. Certificates evidencing such insurance shall be filed with the Superintendent.

16-6.6 Form of Permit The permit shall be issued in triplicate in such form as shall be determined by the Superintendent. One copy shall be kept by the applicant, one copy shall be readily available for inspection at the job site, and one copy shall be kept on file by the Superintendent. The permit shall describe with particularity the space in the street or other place that may be disturbed, dug or occupied, and shall state the permit’s expiration date.

16-6.7 Fee for Permits (Amended 8/18/98)

a. There shall be a street opening permit fee of three hundred twenty-five ($325.00) dollars for each street opening as defined in Section 16-6.1 hereof. This fee shall pertain to work being done in the actual layout of the street. The fee for the renewal of such permit as provided for in Section 16-6.2 shall be fifty ($50.00) dollars.

b. There shall be a sidewalk opening permit fee of one hundred fifty ($150.00) dollars for each sidewalk opening as defined in Section 16-6.1 hereof. This fee shall apply to work being done exclusively in the area where a sidewalk is actually present. This fee shall also be applicable to openings for driveways provided for in Section 16-2 hereof. When work is being done on a sidewalk in conjunction with a street opening, only the street opening permit fee shall be applicable.

c. There shall be a permit fee of one hundred fifty ($150.00) dollars for the installation of test pits in any public street or public sidewalk.

16-6.8 Conditions of Permit The work performed under a permit granted under this ordinance shall be performed subject to the following conditions and to any other conditions imposed by the Superintendent with respect to any particular permit:

(updated 8/20/2020)
a. No work performed under such a permit shall be performed on Sunday or any legal holiday, except when in the opinion of the Superintendent the safety and welfare of the public demands that the work be performed on such days and his written approval therefor has been given, and except where an emergency exists that requires the work to be performed on such days. The Superintendent or his designee shall be promptly notified of any such emergency.

b. No permits shall be granted for work to be performed between December fifteenth and April first, except when the Superintendent shall find (1) that an emergency exists which requires the performance of the work, or (2) that performance of the work is required in the interest of the public health or safety, or (3) that the existing weather conditions permit the proper performance of the work.

c. The permit holder shall give the Superintendent and the Chief of Police at least forty-eight (48) hours advance notice, except in the case of an emergency, of the start of work under any such permit. Such notice shall be given as soon as possible in the case of an emergency.

d. The Superintendent and the Chief of Police may impose such conditions on the performance of the work as they consider necessary and appropriate to insure the safety of the public and to minimize the disruptive effect the work may have on traffic, business, residences and other activity in the area.

Such conditions may include, but not be limited to, restricting the specific time of day during which the work may be performed and requiring the assignment of police officers, at the expense of the permit holder, to direct traffic at the work site.

e. Whenever any public street or way, or any sidewalk, common or other public place is disturbed, dug up, obstructed, encumbered or otherwise rendered unsafe or inconvenient for travel, the holder of the permit shall place, and at all times maintain, a suitable barrier, railing or fence around the area so disturbed and obstructed so long as the same shall be or remain unsafe or inconvenient as aforesaid, and shall also keep one or more lights fixed to such barrier, railing or fence, or fixed in some other proper manner, through the entire night so long as the barrier, railing or fence shall be kept standing or such obstruction shall continue.

f. Any street, way, sidewalk or other area disturbed during work under such a permit shall be restored to its prior condition upon completion of the work.

g. All work performed under such a permit shall be performed in accordance with construction specifications established by the City.

h. No trench opened under such a permit shall be backfilled unless an employee of the Department of Public Works designated by the Superintendent is present during the backfilling.

i. In restoring any area disturbed under such a permit, compaction shall be performed in accordance with Massachusetts Department of Public Works standard specifications for such work.

j. In restoring any area of pavement disturbed under a permit, a minimum of three inches of bituminous concrete shall be used to bring any trench to the level of the contiguous existing pavement. The three inches of bituminous concrete shall, unless otherwise approved by the Superintendent, consist of two inches of Class 1 dense bituminous concrete and one inch of Class 1 bituminous concrete type 1-1. Cold tar emulsion shall be spread along all areas where the existing pavement touches the new pavement. The new pavement shall overlap the existing pavement a minimum of three inches. The Superintendent may require the use of an infrared system in any case in which he finds its use necessary in order to assure proper restoration of any disturbed area.

16-6.9 Certification of Restoration Upon completing the work under the permit and restoring the area disturbed, the permit holder shall apply in writing to the Superintendent for a certification that the area has been restored in accordance with the requirements of this section and of any condition imposed by the Superintendent. If the Superintendent finds that the area has been properly restored, he shall so advise the permit holder in writing and shall specify what action the permit holder must take in order to properly restore the area. The permit holder shall have a reasonable period of time, not to exceed ten (10) days, in which to properly restore the area. If after such period of time, the Superintendent determines that the area has not been properly restored, he may proceed to restore the area and enforce the performance bond to the extent of the City's expense in restoring the area.

16-6.10 Revocation of Permit The Superintendent may revoke any permit at any time if the permit holder fails to comply with any provision of this ordinance or any condition imposed on the permit by the Superintendent. The permit holder shall be
given written notice of any proposed revocation with the reasons therefor, and shall, if he so requests, be given a hearing before
the Superintendent. If, after such hearing, the Superintendent decides to revoke the permit, he shall so notify the permit holder
in writing indicating the reasons for the revocation.

16-6.11 Penalties (Amended 12/5/95) Anyone who violates any provisions of this ordinance shall be punished by a fine of
two hundred ($200.00) dollars for the first offense and four hundred ($400.00) dollars for any subsequent offense, said
penalties to be assessed in accordance with the provisions for the
non-criminal disposition of violation in General Laws Chapter 40, Section 21D as amended. Each day of continuing violation
shall constitute a separate offense.

Section 16-7 Inspection of Street Installation in Sub-Divisions and Street Extensions

A fee is hereby established for the inspection of street installations in sub-divisions and all street extensions in the City of
Attleboro. Such fee shall be assessed at 5% of the construction bond as set by the Superintendent of Public Works or his agent.

Section 16-8 Move Buildings

16-8.1 No building shall be moved through any public street in the City of Attleboro unless a permit has been granted by the
Superintendent of Public Works. This ordinance shall not apply to buildings with smaller dimensions than fifteen feet in
length, nine feet in width and ten feet in height if said building can be moved without interfering with any tree or wire.

16-8.2 Application for such permit shall be made to the Superintendent of Public Works who may grant the same on such
conditions as he deems appropriate. No permit shall be granted unless a bond is posted with the City Treasurer in an amount
satisfactory to the Superintendent of Public Works and with sufficient surety or sureties to be approved by the City Treasurer.
Such bond shall provide indemnification of the City against all loss, cost or expense it may suffer by reason of the moving of
such building.

16-8.3 In the event the Superintendent of Public Works determines that a tree or wire is involved he shall consult with the
Inspector of Wires and the Tree Warden before granting the permit.

16-8.4 Every permit granted to move any such building shall state the streets through which and the time within which the
building shall be moved. Any expenses or damage caused by the move shall be the responsibility of the owner of the building.

16-8.5 If the Superintendent of Public Works shall deny an applicant a permit to move a building, the applicant may appeal to
the Municipal Council, which shall have the final decision.

Section 16-9 Department of Water and Wastewater (Adopted 5/19/92 to become effective 7/1/92 (and amended 9/20/05)

Section 16-9 Department of Water

16-9.1 Organization

There is hereby established within the Municipal Government a Department of Water. The Mayor shall appoint a
Superintendent of Water, subject to confirmation by the Municipal Council, for a term of three years. The Superintendent shall
be persons especially fitted by education, training and experience to perform the duties of the office, and shall receive the salary
established for the position under the City's Compensation Plan. Should specific licenses or certificates be required by the
Commonwealth of Massachusetts for the management of Water Treatment Facilities, Water Supply and Distribution, not be
held by the Superintendent, the Mayor shall obtain the proper waivers as applicable prior to confirmation by the Municipal
Council.

Section 16-9.2 Powers and Duties

The Superintendent of Water, under the supervision and control of the Mayor, shall have charge of the water supply and
distribution system, except as otherwise provided. The Superintendent shall also perform such other duties reasonably related to
the duties and responsibilities of a Superintendent as the Mayor may direct. The Superintendent shall have all the powers and
duties now or from time to time vested by General Law or Special Act in Water Commissioners.

Section 16-10 Water Main Installation

(Updated 8/20/2020)
16-10.1 Except in the case of a proposed water main extension shown on a subdivision plan filed pursuant to General Laws Chapter 41, Subdivision Control Law, any person desiring a water main extension in any public or private street shall apply to the Department of Water for permission to extend the water main. Said application shall be accompanied by a plan and profile of the street or way made by an engineer or land surveyor, an easement for such extension if in a private street or way, and a stipulation waiving all damages in any private street or way executed by all abutting property owners.

16-10.2 If approval is granted, the applicant shall, at his expense, contract for all labor and material necessary for installing the water main extension. There shall be a street opening permit as provided in section 16-6.7, a connection permit with a fee of three hundred twenty five ($325.00) dollars which shall include the inspection of said water main. The fee shall be paid to the City of Attleboro at the time the permit is issued. A new permit subject to the above fees shall be required for each water main extension connection to the City’s water mains. A fee for a renewal permit in accordance with section 16-10.8 shall be fifty ($50.00) dollars.

16-10.3 The Superintendent of Water shall determine the size of all water mains, the placing of valves, and in conjunction with the Fire Chief, the become the property and responsibility of the City of Attleboro. The installing contractor shall conform to City specifications and be responsible for leaks, defective material, trench settlement and trench pavement patching for a period of one (1) year from the date water is permanently turned on in the main.

16-10.4 Before any pipe is installed in a private street or way, it shall be rough graded to within six (6”) inches of finished grade for full width of layout.

16-10.5 Before commencement of any installation, the installing contractor shall notify the Superintendent of Water as to when the installation is to commence. No work involving any part of the present or proposed water system shall be done except in the presence of the Department of Water Inspector.

16-10.6 After the main is in place, tested and accepted, it shall per 100 cubic feet. The new water rates established hereunder, to be effective with the July 1, 1996 billing and shall be prorated.

16-10.7 The Superintendent of Water, the Fire Chief and the Building Inspector shall review all building plans prior to construction of any structure, to ensure that adequate water supply is available for domestic and fire protection needs. Furthermore, all plans that are to be submitted to the Planning Board shall be made available to the above-mentioned department heads.

16-10.8 General No person shall connect to any water line, main or make any service connections unless a permit to do so has been granted by the Superintendent of Water (Superintendent). This ordinance shall not apply to employees of the City of Attleboro acting under the direction of the Superintendent.

16-10.9 Application Application for said permit shall be made to the Superintendent in such form as he may determine. The Superintendent shall grant the permit in accordance with the provisions of this ordinance on such conditions as he deems appropriate. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided for herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder.

16-10.10 Form of Permit The permit shall be issued in triplicate in such form as shall be determined by the Superintendent. One copy shall be kept by the applicant, one copy shall be signed by the inspector from the Department of Water and returned to that office along with a tie sheet with all pertinent information of the Water or Sewer main, line or service connection. One copy shall be kept on file by the Superintendent.

16-10.11 Notice to Public Utility Company and Others As covered under 16-6.3 of the City Ordinance.

16-10.12 Performance Bond As covered in Section 16-6.4. The bond shall be an amount sufficient in the opinion of the Superintendent of Water, but in no case less than five thousand ($5,000.00) dollars to pay the cost of restoring any of the city’s utilities. The permittee needs only one (1) performance bond for street opening and water, sewer main or service installation, but must meet all the requirements of section 16-6.4 of the City Ordinance.

16-10.13 Indemnification and Liability Insurance. As covered under Section 16-6.5.

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16-10.14  Fee for Permit. There shall be a water connection fee of three hundred ($300.00) dollars. The fee for a renewal permit in 16-10.9 shall be fifty ($50.00) dollars.

16-10.15  Application. Application for said permit shall be made to the Superintendent in such form as he may determine. The Superintendent shall grant the permit in accordance with the provisions of the ordinance on such conditions as he deems appropriate. The permit shall expire in sixty (60) days from the date of its issuance, unless is sooner revoked as provided herein. The permit may be renewed by the Superintendent for an additional period of time upon written application thereof by the permit holder.

16-10.16  Conditions of Permit. The work performed under a permit granted under this ordinance shall be performed subject to the following conditions and to any other conditions imposed by the Superintendent with respect to any particular permit:

   a. No work performed under such a permit shall be performed on Sunday or any legal holiday, except when in the opinion of the Superintendent the safety of the public demands that the work be performed on such days as his written approval therefore has been given, and except where an emergency exists that requires the work to be performed on such days. The Superintendent or his designee shall be promptly notified of any such emergency.

   b. No permits shall be granted for work to be performed between December fifteenth and April first, except when the Superintendent shall find (1) that an emergency exists which requires the performance of the work, or (2) that performance of the work is required in the interest of public health or safety, or (3) that the existing weather conditions permit the proper performance of the work.

   c. All work performed under such a permit shall be performed in accordance with construction specifications established by the City.

   d. All trenches must remain open until inspected by an employee of the Department of Water or other inspector designated by the Superintendent.

   e. Upon connection of any new water line located in a public or private way to the municipal water system, such line shall be deemed a public water line under the control of the City.

16-10.17  Certification of Restoration. Upon completion of the work under the permit and restoring the area disturbed, the permit holder shall apply in writing to the Superintendent for a certification that the utility has been installed in accordance with the requirements of this section and of any condition imposed by the Superintendent. If the Superintendent finds that the work was not performed to the required standards, he shall advise the permit holder in writing and shall specify what the permit holder must take to repair the utility or appurtenances thereof. The permit holder shall have a reasonable period of time not to exceed ten (10) days, in which to properly perform the repairs. If after such period of time, the Superintendent determines that the work has not been properly completed, he may proceed to make the necessary repairs and enforce the performance bond to the extent of the City’s expense in restoring the utility or appurtenance.

16-10.18  Revocation of Permit. The Superintendent may revoke any permit at any time if the permit holder fails to comply with the provisions of this ordinance or any condition imposed on the permit by the Superintendent. The permit holder shall be given written notice of any proposed revocation with the reasons thereof, and shall, if he requests, be given a hearing before the Superintendent. If after such hearing, the Superintendent decides to revoke the permit, he shall so notify the permit holder in writing the reasons for revocation.

Section 16-10.19  Bacteria Testing

In conjunction with the installation of a water main to a subdivision an analysis for Total Chloriform and HPC will be conducted. The Department of Water will supply the contractor with the appropriate sample bottles. At the time of sampling the bottles will be sealed and signed by a designated employee of the Department of Water. The sample shall be analyzed by a state certified laboratory that has been approved by the Department of Water.

Section 16-10.20  Fee for Bacteria Testing

The Department of Water laboratory has been certified by the Commonwealth of Massachusetts to conduct bacteria testing. The fee for this testing service shall be $30.00 per sample.

Section 16-11"Water Assessments and Rates"
16-11.1 "Water Main Assessments"

Sixty-six and two-thirds (66-2/3%) percent of average actual cost will be assessed against the owner or owners of land in front of which the water main in question runs and for the use of which it is installed. Thirty-three and one-third (33-1/3%) percent of average actual cost will be assessed against the owner or owners of land on one side of the road or way served by the water main; the other thirty-three and one-third (33-1/3%) percent will be assessed against the owner or owners of land on the other side of the road or way. The remainder of the cost will be borne by the City of Attleboro. The cost will be allocated on the basis of linear frontage of land on the road of way served by the water main.

Said average actual cost shall be based upon the costs of installing an eight (8") inch water main, unless it shall be determined by the Superintendent of Water that a larger size water line is required to service the owner of the land. In which case the average actual cost shall be based upon the cost of installing the size of water pipe actually required.

Such assessment once established may be decreased but shall not be increased.

Section 16-11.2 Water Rates (amended 6/21/05, 6/20/06, 6/19/07, 6/10/08, 6/23/11, 6/25/2012, 6/23/16, 6/23/20)

16-11.2 For each meter set there shall be a minimum charge of twenty-three dollars and twenty-five cents ($23.25) for each three months. This minimum charge shall cover 500 cubic feet of water used at each connection; and excess over 500 cubic feet shall be charged for at a rate of five dollars and six cents ($5.06) per 100 cubic feet, effective July 1, 2020.

Section 16-12 Regulations of Water Use and Connections

16-12.1 No person shall uncover, make any connection with or opening into, use, alter or disturb any public water main or appurtenances thereof without first obtaining a written permit from the Superintendent of Water.

16-12.2 Application to said permit shall be on a form furnished by the Superintendent of Water and shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent of Water. There shall be a street opening permit as provided in 16-6.7 and a fee of three hundred ($300.00) dollars for a water connection inspection to a single residential, duplex, condominium, or commercial building. All fees shall be paid to the City of Attleboro at the time the permit is issued.

16-12.3 (Amended 7/28/92) The installation, alteration, or repair of any water service line from a water main to any premises shall be done at the expense of the property owner, except as noted elsewhere in this subsection. All such work shall be done in accordance with standards set by the Superintendent of Water. Contractors hired to do such work shall be bonded and shall have a minimum of three (3) years experience in such installations. Such work shall be inspected by an authorized representative of the Department of Water during said work and prior to the back filling or covering of such work.

After a water service line is in place, tested and accepted by the City of Attleboro, the portion of said line extending from the water main to and including the curb stop shall become the property and responsibility of the City, except that the property owner shall be responsible for leaks, defective materials, trench settlement and trench pavement patching for a period of one (1) year from the date of acceptance.

16-12.4 After a service has been laid to any premises, the Department of Water, in furnishing water, or material, or performing labor for said service, shall deal only with the owner of said premises. Such owner shall keep the Department of Water advised of the address to which bills, notices, and other communications to him may be delivered. The owner of the premises shall be held responsible for all rates and charges. Water having been shut off for non-payment shall not be turned on so long as there is an unpaid charge against the premises.

16-12.5 (amended 3/4/08) All persons taking water must keep the fixtures, valves and service pipe within the owner's property in good repair and fully protected from frost and must prevent all unnecessary waste of water. Water shall not be left running for the purpose of preventing the freezing of pipes, faucets, fixtures or hydrants, unless the same is ordered or permitted by the Superintendent of Water. The City shall not be liable for leakage of hydrants, faucets, pipes, fixtures, or valves upon the premises of the takers nor any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

(a) All new construction of buildings regardless of use, are required to install water saving devices and low flow appliances, if said building is supplied with water.

(updated 8/20/2020)
(b) All substantial renovations or alterations to existing buildings regardless of the building's use are required to install water saving devices and low flow appliances if said building is supplied with water.

(c) For the purposes of this section the term “substantial renovation or alteration” shall mean work, which cost more than (20%) of the assessed value of the building before the renovations or alterations.

(d) Any change of use of an existing building shall be required to install water saving devices and low flow appliances where the change in use is deemed to be an intensification of the previous use as determined by the Building Inspector.

16-12.6 The city shall not be liable for accident or injury of any kind caused by, or growing out of the use or failure of city water.

16-12.7 (amended 3/4/08) No water shall be supplied to any taker except through a meter owned by the City. Any water taker requiring a meter larger than the standard five eights (5/8) inch used for an ordinary dwelling shall reimburse the City in full amount the cost of the larger meter when the service is completed and before the water is turned on. The taker may be required to purchase the meter from the City vendor that is under contract. Title and access to the meter shall remain with the City and all present rules and regulations of the Department of Water shall apply thereto.

(a) The Superintendent of Water or his designee shall have the authority to access any water meter for the purpose of visually inspecting the meter and record the reading. In cases where unusual readings or activities have taken place or suspected of taking place, the Water Superintendent or his designee can make random inspections of the water meter.

(b) Once a meter has been installed and inspected by the Water Department, any alterations to the water meter and/or meter connections including the piping, cannot be made without written permission from the Water Superintendent.

(c) If a water meter, meter connections, or piping appears to have been altered, a fine of $300.00 shall be levied against the owner or person occupying the premises.

16-12.8 When more than one building is served by one meter, water used in such buildings shall be charged for in the same manner and at the same rate as though a separate meter was set in each building. Excess water shall be apportioned equally among the buildings so served. Should more than one meter be set in any building, the established water rates shall be charged for each meter set, and in no case shall the water measured by one meter pass through another meter. The term "building" shall include a garage, barn, or other out-building appurtenant to the main building. All meters must be fully protected from frost and other dangers, and damage done to any meter through the taker's negligence shall be paid for by the owner of the premises.

16-12.9 No alteration shall be made in any of the pipes or fixtures inserted by the city and no meter shall be removed without the permission in writing of the Superintendent of Water. All persons, firms, or corporations wishing to install air conditioning or cooling units, regardless of size, requiring the use of city water shall notify the Superintendent of Water in writing, and enclose the manufacturer's description catalog of the unit whether or not the same is to be attached to the present service or a new service is to be required.

16-12.10 Whenever a meter is found reading unusual, the Superintendent of Water shall forthwith call attention of the fact to the owner of the property.

16-12.11 If for any reason the owner of any premises wishes the water shut off or the meter removed and the charges stopped, he must give notice to the Superintendent of Water. A charge of twenty ($20.00) dollars shall be made for shutting off the water and/or removing the meter. When the meter is reset and/or the water turned on, another charge of twenty ($20.00) dollars shall be made. The Superintendent of Water or, under his direction, his assistants, may enter premises of any water user for any purpose connected with the discharge of his duties and may remove or replace any meter that is not working properly, or may make any repairs necessary.

If for any reason the owner of any premises requests to have their water shut off for work to be done after hours or on the weekend, a service charge of three hundred ($300.00) dollars will be assessed.

16-12.12 Testing of Water Meters (amended 3/15/11)
a. Any person using water supplied by the City of Attleboro, measured by a meter, shall be entitled to an examination and test of such meter to determine its accuracy in any billing period by making written application to the Superintendent of Water.

b. The examination and test shall be made by a competent person employed by the City. A written report of the result of the examination and test shall be furnished to the person making the application.

c. If it appears that the meter has registered with substantial accuracy, the expense of the examination and test shall be paid by the person applying therefore. The expense for each examination and test shall be three dollars. If it appears that the meter has not registered within two percent of accuracy, the expense of the examination and test shall be borne by the City. If the person requests the meter to be tested by an independent vendor, that person shall pay the cost of the test.

d. If, because of a defective meter or reader, the person has been charged with, or has paid for, more water than he should have been charged with or should have paid for, he shall forthwith be credited at the average daily rate for the corresponding period of two years immediately preceding and shall be credited the same.

e. If, because of a defective meter or reader, the person has been charged with or has paid for less water than he should have been charged with or should have paid for, he shall forthwith be charged at the average daily rate for the corresponding period of two years immediately preceding and shall pay the same. No interest shall be charged to the consumer on such amount until the expiration of two years.

16-12.13 In all cases where meters are furnished and attached, the Superintendent of Water shall keep a record of the style, size and number of each meter, date when purchased, location, date when set, reading at such date, a detailed statement of test and percentage of error shown and the reading and date when reset, also a description of all defects and repairs of such meters.

16-12.14 When water is supplied for building purposes at scheduled rates, payment shall be made in advance. Water shall be supplied only through a meter set by the city upon application by the owner, who shall protect same from all damage during construction.

16-12.15 The water will not be turned on to any house or premises for use at scheduled rates until payment has been made in advance for said use, nor for use by meter rates until a suitable place has been prepared for a meter to be set in accordance with the requirements of Rules and Regulations of the Department of Water.

16-12.16 The minimum rates shall be due in advance, with billing schedules to be established by the Superintendent of Water. Interest at the rate of twelve (12%) percent per annum from the date of the bill to the date payment shall be collected for water bills not paid within thirty (30) days of the date of the bill. All charges for specific supplies or supplies for fractional parts of the year shall be payable in advance and before the water is turned on. Water shall not be supplied to any premises until connection fees have been paid in full. Any unpaid water bill, sewer use charge, or pipe and labor charge, together with the interest due, shall constitute a lien on the property, and shall be added to the real estate tax bill in accordance with state statutes. A penalty fee of $12.00 shall be added to each unpaid balance, and shall become a part of said lien. This ordinance to be effective May 5, 2005, with the Council giving permission to the Collector to enclose a separate notice highlighting the change.

16-12.17 For non-payment of any of the charges for original installation of piping connection, any subsequent charges for labor, repairs, service and materials, or for the non-payment of water rates, (or sewer) for sixty (60) days after the same are due, the Superintendent of Water, with concurrence of the Health Officer, may shut off the water or sewer provided that the City Collector has first notified the owner or agent responsible for the property management by a personal receipt registered letter with receipt card returned, of the Collector's intention to direct the Superintendent of Water, with concurrence of the Health Officer, to shut off the water. Any mailing expense shall be figured and charged as service expense. The sum of twenty dollars ($20.00) shall be charged for turning on the water.

16-12.18 The Superintendent of Water shall have an examination made of the hydrants and fire plugs belonging to the city from time to time, and keep them in working order at all times, except when shut off for repairs, and shall cause defects therein to be repaired without delay.

16-12.19 No person shall by means of a tree, lumber, brick, or building material of any kind, or other article or hindrance, obstruct the access to any stopcock hydrants connected with any water pipe within any street, alley, or public place.
16-12.20 The city reserves to itself the right, whenever the Superintendent of Water deems it necessary to repair the works, to shut off the water in whole or in part.

16-12.21 When it is necessary to shut off the supply of water on any line of pipe for repairs or other purposes, the Superintendent of Water shall immediately notify the water users on the line of pipe to be shut off, stating as nearly as possible the length of time such supply will be shut off; provided, however, in case of sudden burst or other emergency, the water may be shut off without notice, in which case notice of the fact shall be given the water takers on the line of pipe so affected as soon as possible after shutting off the water.

16-12.22 Whenever the Superintendent of Water or the person acting in his stead, shall cut off the supply from a hydrant or fire plug in any part of the city for repairs or other proper cause, he shall immediately give notice thereof to the Chief Engineer of the Fire Department, or in the absence of the Chief Engineer, or officer in charge, and shall state in the notice particularly to what extent the hydrant and fire plugs are so rendered unavailable for fire service, and he shall notify the Chief Engineer, or officer in charge, when the hydrants and fire plugs again are in working order.

16-12.23 Every person using city water shall be considered, by so doing, to express his consent to conform to the ordinances relating to the Rules and Regulations of the Department of Water and Wastewater.

16-12.24 Water Emergency

a. In the event of a shortage of potable water due to drought or other adverse conditions and/or malfunction of the pumping equipment or other major appurtenances of the water system, the Mayor may declare an emergency to protect the public health, safety and welfare. The Mayor may restrict, curtail or prohibit the use of water for lawn sprinkling, car washing, the filling of swimming pools and other uses of water deemed by the Mayor to be non-essential while the emergency is in effect.

b. Violators of the Ordinance shall be liable to a fine of Twenty-five ($25.00) Dollars for the first offense, Fifty ($50.00) Dollars for the second offense and Two Hundred ($200.00) Dollars for each additional offense, said penalty to be assessed in accordance with the provisions for the non-criminal disposition of Violations in General Laws, Chapter 40, Section 21D as amended. Each day shall be considered a separate violation.


(1) Irrigation systems connected to the municipal water supply must be equipped with moisture sensors or similar climate control technology. These devices are to be approved by the Plumbing Inspector and Superintendent of Water. It is the responsibility of the property owner to ensure these sensors are maintained in working order annually.

a. Installation: A property owner that has an irrigation system and is connected to the municipal sewer system may install an irrigation meter. It is the responsibility of the property owner to purchase the meter and obtain all permits and ensure that such meter and its associated components are installed in accordance with the Water Department’s irrigation meter installation procedural guidelines.

b. Maintenance The property owner is responsible for the maintenance and any testing of the irrigation meter and its associated components. The cost to test the irrigation meter system shall be borne by the property owner. Whenever an irrigation meter is found to be out of order, the Superintendent of Water shall have it repaired at the owner’s expense.

c. Billing: For purposes of billing, 100% of the irrigation meter reading shall be subtracted from the water meter reading and the sewer use shall be charged at 100% of the difference.

d. Enforcement: A property owner who fails to install the irrigation meter system in accordance with the provisions of this ordinance shall be liable to a fine of Fifty Dollars ($50.00), said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws, Chapter 40, Section 21D as amended.

A property owner who has water use on an irrigation meter during a water emergency situation as declared by the Mayor shall be liable to penalties in accordance with the provisions of Section 16-12.24, Water Emergency.

Section 16-12.26 Hydrant Use (amended 1/14/20)
If for any reason a contractor wishes to use a hydrant, a fee of two hundred ($200.00) will be paid and an application form filled out. The Department will designate the hydrant to be used and an employee from the city will turn the hydrant on and off. It will be the contractors' responsibility to provide the valve, meter and backflow preventer for the hydrant. The backflow preventer will have had to be tested and certified in the last twelve months or be tested by the City before used. If the contractor breaks the hydrant because of improper use, he will be charged the cost of repair or replacement of the hydrant. The water used will be billed at the current rate set by the City.

Notwithstanding the preceding paragraph, the $200.00 fee shall not apply to work to be performed by a contractor on any municipal roadway project, including but not limited to, paving, milling, sweeping or other related work in any City Right of Way.

Section 16-12.27
Any business, commercial, industrial, or institutional requiring a meter larger than one inch will be required to purchase the meter. The meter shall be the type required by the Department. It will be the owners' responsibility to have the meter tested annually and to maintain the meter in proper working order. Access to the meter shall remain with the City and all present rules and regulation of the Department shall apply.

Section 16-13 Cross Connections and Backflow Prevention (amended 11/1/11)

16-13.1 Purpose
The purpose of this ordinance is:

16-13.1.1 To protect the public potable water supply of the City from the possibility of contamination or pollution by isolating within the customer’s internal distribution system(s) or the customer’s private water system(s) such contaminants or pollutants that could backflow into the public water system; and,

16-13.1.2 To promote the elimination or control of existing cross connections, actual or potential, between the customer’s potable water system(s) and nonpotable water systems, plumbing fixtures, and piping systems; and

16-13.1.3 To provide for the maintenance of a continuing program of cross connection control and backflow prevention that will systematically and effectively prevent the contamination or pollution of all potable water to the last free flowing outlet or consumer’s tap.

16-13.1.4 To carry out its responsibilities under the Federal Safe Drinking Water Act of 1974 and the Commonwealth of Massachusetts Drinking Water Regulations, for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants.

16-13.2 Definitions

16-13.2.1 Cross connection shall mean any actual or potential connection between any part of a potable water system and any other environment containing substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Without limiting the generality of the foregoing, the term cross connection shall also include any bypass arrangements, jumper connections, removal section, swivel or changeover connection and/or any other temporary or permanent connection through which backflow can or may occur.

16-13.2.2 Substances shall mean gases, liquids, or solids, such as chemicals, waste products, steam, water from other potable or nonpotable sources, and any matter that may change the quality or color of potable water or add odor to potable water.

16-13.2.3 An unapproved source shall mean any potential source of contamination including but not limited to gases, liquids, or solids, such as chemicals, waste products, steam, water from other potable or nonpotable sources, and any matter that may change the color or add odor to the water.

16-13.2.4 Superintendent shall mean the Attleboro Superintendent of Water or his or her designee.

16-13.2.5 Person shall mean a natural person or any legal entity including without limitation a corporation, a limited liability company, or a trust.

16-13.3 Cross Connections
16-13.3.1 No person shall maintain upon premises which they own or occupy a physical connection between the City’s public water supply distribution system and any unapproved source unless the installation has been reviewed and approved by the Superintendent and proper permits have been issued.

16-13.3.2 The City shall have the authority to terminate any water service connection to any facility where cross connections are maintained without the required backflow prevention devices which have been approved by the Superintendent.

16-13.3.3 Any business or commercial, industrial or institutional building that is connected to the City’s water supply is required to have a Cross Connection Survey done by the City’s Certified Cross Connection Surveyor or under her/his direction. Residential properties may be surveyed if the Superintendent reasonably determines that a survey is warranted. A Cross Connection Survey shall be an inspection of the water supply piping within the facility conducted in accordance with the Massachusetts Department of Environmental Protection regulations 310CMR22.22. Surveys will be conducted on new businesses, any building that has changed use or remodeled, and all commercial, industrial, and institutional buildings on a periodic schedule per the Department policy. The Department shall charge a survey fee per building according to the fee schedule in Section 16-13.6.

16-13.4 Backflow Prevention Devices

16-13.4.1 For any premises connected to City water, if the Superintendent determines for the protection of the public water system that a backflow prevention device should be installed at certain location; or that an existing backflow prevention device should be repaired or replaced, the Superintendent shall give notice in writing to customer using the water, and the owner of the premises if the owner is not the customer, to repair or install an approved backflow prevention device at specific location(s) on the premises. The customer shall immediately make such repairs or install such approved devices(s) at its own expense.

16-13.4.2 Any new residential, business, commercial, industrial, or institutional building which connects to the City’s water system is required to have a backflow prevention device located immediately after the water meter. The Water Department has sole responsibility to determine the type of backflow Preventer required based on the degree of hazard. The property owner will be responsible for the cost of the device and associated installation cost. The backflow Preventer must be maintained according to Massachusetts Department of Environmental Protection regulations 310CMR22.22.

16-13.4.3 The Superintendent or her/his licensed designee shall inspect and test backflow prevention devices on a semi annual or annual schedule as determined by the Superintendent. Property owners may not use an alternate licensed tester without the written approval of the Superintendent. If an alternate tester is approved by the Superintendent, and the alternate licensed tester must comply with all policies of the Water Department including appropriate test documentation. Device tester must be a Massachusetts Certified Backflow Prevention Device Tester.

16-13.4.4 The Department shall charge a fee for each backflow prevention device tested according to the fee schedule in Section 16-13.6.

16-13.4.5 The Department shall charge an administrative fee according to the fee schedule in Section 16-13.6 for each backflow prevention device test performed by an approved alternate tester.

16-13.4.6 The owner of any cross connection protected by an approved backflow prevention assembly shall comply with Massachusetts Department of Environmental Protection regulations 310CMR22.22.

16-13.4.7 No person shall install, remove, or modify any backflow prevention device unless a design data sheet with plans showing method of protection of the public water distribution system has been approved by the Superintendent. All persons must obtain approval from the local plumbing inspector and/or local fire department, to the extent required by the State Plumbing Code prior to the installation or retrofit of any backflow prevention device. Failure to obtain prior approval of any installation, modification, or removal of any device will result in immediate termination of water service until approvals have been obtained. The Department shall charge a permit fee according to section 16-13.6 for each backflow prevention device. Any new device will require initial testing at an additional fee according to Section 16-13.6.

16-13.4.8 No tank truck, vehicle, piece or equipment or vessel may hook up to any hydrant without an approved backflow device. Said device must be provided by the contractor and must have a valid test certification showing compliance with 310CMR22.22. Permits must be obtained from the water department prior to use of hydrant. The Department shall charge a permit fee according to section 16-13.6 for each hydrant use. Vehicle, backflow device and connection must be inspected by Water Superintendent. Violation of this provision shall result in loss of access to hydrants as determined by the Water Superintendent.
16-13.4.9 Failure to comply with any order or directive of the Superintendent concerning the inspection, installation, repair, or replacement of a backflow prevention device shall result in immediate termination of water service until proper device is installed by a licensed plumber, tested, and approved by the City.

16-13.5 Access
All owners or operators premises connected to the public water supply system shall authorize agents and employees of the City, upon presentation of their credentials, to enter their premises without a warrant for the purpose of inspecting and surveying their water systems in an emergency which threatens to cause contamination of the public water system. For non-emergency situations, the owner or operator of the premises must grant consent to the City for any inspection of premises served by the public water system. In the event that an owner or operator refuses to grant such consent, the Superintendent may apply for an administrative search warrant from a court to obtain access in the interest of protecting the public.

16-13.6 Fees
The Department shall charge the following fees in connection with the administration of the Cross Connection and Backflow Prevention Program:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Cross Connection Survey</td>
<td>$50 per building</td>
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<tr>
<td>Test of Backflow Prevention Device by City</td>
<td>$65 per device</td>
</tr>
<tr>
<td>Administrative Fee for Test of Backflow Prevention Device by an Approved Alternate Tester.</td>
<td>$25 per device</td>
</tr>
<tr>
<td>Permit for Back Flow Prevention Device</td>
<td>$50 per device</td>
</tr>
<tr>
<td>Permit for Hydrant Connection</td>
<td>$200 per connection</td>
</tr>
</tbody>
</table>

Section 16-14 Private Hydrants and Sprinklers

16-14.1 All persons, firms or corporations wishing to have private hydrants or sprinkler system service lines connected with the city water supply or to alter or repair such installations, shall make application to the Superintendent of Water. For the purposes of this ordinance, the term "sprinkler system service line" shall include all piping from the water main to and including the base of the sprinkler riser. All such applications and plans for installation, alteration, or repair of private hydrants or sprinkler system service lines shall be submitted in duplicate and shall be subject to the inspection and approval of the Superintendent of Water. Water shall not be turned on unless authorized by the Superintendent. The Superintendent may inspect the hydrants or sprinkler system service lines as often as he deems necessary. A permit and inspection fee of fifty ($50.00) dollars shall be required for each hydrant and each sprinkler system service line to be installed or altered. A fee of fifty ($50.00) dollars shall be required for each street opening permit. All such fees shall be paid to the City of Attleboro at the time the application is filed.

16-14.2 The installation, alteration or repair of private hydrants and sprinkler system service lines shall be done at the expense of the property owner. All such work shall be done in accordance with the standards set by the Superintendent of Water. Contractors hired to do such work shall be bonded and shall also have the proper indemnification and liability insurance as required under section 16-6.5 and shall have a minimum of three (3) years experience in such installations. Such work shall be inspected by an authorized representative of the Department during said work and prior to the backfilling or covering of such work.

All materials used in the installation, alteration or repair of a private hydrant or sprinkler service shall conform to American Water Works Standards (A.W.W.A.) standards and those of the National Board of Fire Underwriters and shall be of the current make and model specified by the City. Sprinklers systems and valves shall be provided with tamper-proof protection as directed by the Fire Chief or under the discretion of his assistants. Devices designed to detect tampering shall be tied to the municipal fire alarm system.

16-14.3 The water supplied through sprinklers and hydrants shall not be used for any purpose except extinguishing fires without permission from the Superintendent of Water.

Section 16-15 Department of Wastewater, Organization, Powers and Duties (amended 3/15/11)

There is hereby established within the Municipal Government a Department of Wastewater. The Mayor shall appoint a Superintendent of Wastewater, subject to confirmation by the Municipal Council, for a term of three years. The Superintendent shall be persons especially fitted by education, training and experience to perform the duties of the

(updated 8/20/2020)
office, and shall receive the salary established for the position under the City's Compensation Plan. Should specific licenses or certificates be required by the Commonwealth of Massachusetts for the management of Wastewater Treatment Facilities not be held by the Superintendent, the Mayor shall obtain the proper waivers as applicable prior to confirmation by the Municipal Council.

The Superintendent of Wastewater, under the supervision and control of the Mayor, shall have charge of the sewer and water pollution control system, except as otherwise provided. The Superintendent shall also perform such other duties reasonably related to the duties and responsibilities of a Superintendent as the Mayor may direct. The Superintendent shall have all the powers and duties now or from time to time vested by General Law or Special Act in Sewer Commissioners.

16-15.1 Purpose and Policy
This ordinance sets forth uniform requirements for users of the Treatment Works of the City of Attleboro (POTW) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

a. To prevent the introduction of pollutants into the City’s Treatment Works that will interfere with its operation;

b. To prevent the introduction of pollutants into the City’s Treatment Works that will pass through it, inadequately treated into receiving waters, or otherwise be incompatible with said Treatment Works;

c. To protect the Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

d. To promote reuse and recycling of industrial wastewater and sludge from the City’s Treatment Works;

e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City’s Treatment Works; and

f. To enable the City to comply with its national Pollutant Discharge Elimination Systems permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which its Treatment Works is subject.

This ordinance shall apply to all users of the City’s Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

16-15.2 Abbreviations
The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- FOG - Fats, Oils and Grease (new definition)
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- POTW - Treatment Works of the City of Attleboro
- RCRRA - Resource Conversation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

16-15.3 Definitions
Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:
a. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

b. “Biochemical Oxygen Demand” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius expressed in milligrams per liter.

c. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

d. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

e. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

f. “Garbage” shall mean solids, wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

g. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

h. “Natural Outlet” shall mean any outlet into a watercourse, pond ditch, lake, or other body of surface or ground water.

i. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooling and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2”) inch (1.27 centimeters) in any dimension.

j. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the City of Attleboro.

k. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

l. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

m. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

n. “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

o. “Sewer” shall mean a pipe or conduit for carrying sewage.

p. “SHALL” is mandatory; “MAY” is permissive.

q. “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes. More than five (5) times the average twenty-four hour concentration or flows during normal operation.

r. “Storm Drain” (sometimes termed “Storm Sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

s. “Superintendent” shall mean the Superintendent of Wastewater of the City of Attleboro or his authorized deputy, agent, or representative.

t. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

u. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
v. “City” shall mean the City of Attleboro.

w. “Daily Maximum” shall mean the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

x. “Composite Sample” shall mean a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be a composite either as a: time composite sample: Composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow: or as a flow proportional composite sample: collected either as constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

y. “Grab Sample” shall mean an individual sample collected in less than 15 minutes, without regard for flow or time.

z. “Instantaneous Maximum Concentration” shall mean the maximum concentration allowed in any single grab sample.

aa. “Cooling Water” shall mean:

1. Uncontaminated - water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contact a level of contaminants detectable higher than that of the intake water.

2. Contaminated - water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

bb. “Monthly Average” shall mean the arithmetic mean of the values for effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).

c. “Weekly Average” shall mean the arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

d. “Bi-Weekly” shall mean once every other week.

e. “Bi-Monthly” shall mean once every other month.

ff. “Upset” shall mean an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

gg. “Bypass” shall mean the intentional diversion of wastes from any portion of a treatment facility.

hh. “Fats, Oils and Grease” shall mean any water or waste, emulsified or not, that contain substances which may solidify that are used in a commercial establishment and has a potential to be discharged to the sewer, such as but not limited to by products from fryers, grills, or broilers or any sort of food preparation that produces fats, oils, or grease residuals.(new def.)

16-15.4 Terms and Phrases

Unless provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

a. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

b. “Act” or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251 et. seq.

c. “Categorical Pretreatment Standard or Categorical Standard”. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N. Parts 405-471.

d. “Environmental Protection Agency or EPA”. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

e. “Existing Source”. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

f. “Grab Sample”. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

g. “Indirect Discharge or Discharge”. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act.

h. “Instantaneous Maximum Allowable Discharge Limit”. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

i. “Interference”. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations; Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conversation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the marine Protection, Research, and Sanctuaries Act.

j. “Medical Waste”. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

k. “New Source”.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307
(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
c. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
   a. Begun, or caused to begin, as part of a continuous on-site construction program.
      (i) any placement, assembly, or installation of facilities or equipment;
      (ii) significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement assembly, or installation of new source facilities or equipment; or
   b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contacts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this paragraph.

l. “Noncontact Cooling Water”. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

m. “Pass Through”. A discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, in a cause of a violation of any requirement of the City’s NPDES permit, including and increase in the magnitude or duration of a violation.

n. “Person”. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

o. “pH”. A measure of the acidity or alkalinity of a solution, expressed in standard units.

p. “Pollutant”. Dredge spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

q. “Pretreatment”. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the Treatment Works. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

r. “Pretreatment Requirements”. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

s. “Pretreatment Standard or Standards”. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

t. “Prohibited Discharge Standards or Prohibited Discharges”. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 16-15.8.
u. “Treatment Works of the City of Attleboro, Treatment Works or POTW”. A “treatment works” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

v. “Septic Tank Waste”. any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

w. “Significant Industrial User”.
1. A user subject to categorical pretreatment standards; or
2. A user that:
   a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
   b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plants; or
   c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403 8 (f) (6), determine that such user should not be considered a significant industrial user.


y. “Storm Water”. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

z. “Suspended Solids”. The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

aa. “User or Industrial User”. A source of indirect discharge.

bb. “Wastewater”. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

c. “Wastewater Treatment Plan or Treatment Plant”. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

dd. “Significant Commercial User”
1. A user that:
   a. Discharges water or waste containing fats, oils, or grease whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 104 degrees Fahrenheit.
   b. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the City’s sewer collection system and or POTW operation.

16-15.5 Use of Public Sewer

a. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water and unpolluted industrial process waters to any sanitary sewer, nor shall any person introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent of Wastewater, to a storm sewer, combined sewer, or natural outlet.

16-15.6 Building Sewers and Connections (amended 10/16/07, 4/5/16)

a. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection.

b. There shall be two (2) classes of building sewer permits: for residential and commercial service. There shall be a street opening fee as indicated in Section 16-6.7 of the Ordinance, and a three hundred ($300.00) dollar fee for each sewer connection inspection to a single residence, duplex, condominium, or commercial building. Each residential unit shall be considered as a single residence and will require an individual sewer service to the main. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided from herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder. The fee for a renewal permit shall be fifty ($50.00) dollars. All fees shall be paid to the City of Attleboro at the time the permit is issued. A dig safe certificate number and a sidewalk opening permit will be required before any sewer connection permits are issued. A dig safe certificate number and a sidewalk opening permit will be required before any sewer connection permits are issued.

For service to establishments producing industrial wastes, there shall be a street opening as per Section 16-6.7 and a fee of three hundred twenty five ($325.00) dollars for sewer connection inspection to establishments producing industrial wastes. All fees shall be paid to the City of Attleboro at the time the permit is issued. Further regulations and penalties shall apply in accordance with Massachusetts General Laws, Chapter 83, Section 8.

The owner or his agency shall apply by filling out a permit furnished by the Department of Wastewater. The permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

c. All costs and expenses incident to the installation and connecting of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

d. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building.

e. Old building sewers may be used in connection with new buildings only when they are found on examinations and tests by the Superintendent to meet all requirements of this ordinance.

f. The size, slope alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable ordinances of the City. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specification of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the building sewer. All clean-outs to said connections shall be installed a minimum of eighteen (18) inches from the floor. In addition, a clean out is required within four (4) feet outside of the building foundation.
h. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water including sump pumps, swimming pools or to basement drains to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

i. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable ordinances of the City, and the procedures set forth in appropriate specification of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

j. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. Upon connection of any sewer line located in any land or way, public or private, opened or proposed to be opened for public travel to the municipal wastewater system, such line shall be a “public sewer” as defined in Section 16-15.3 (i).

k. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

l. The installation, alteration, or repair of any building sewer from a sewer main to any premises shall be done at the expense of the property owner. All such work shall be done in accordance with standards set by the Superintendent. Contractors hired to do such work shall be bonded and shall have a minimum of three (3) years experience in such installations. An authorized representative of the Department shall inspect such work during said work and prior to the backfilling or covering of such work.

m. Whoever is found installing or repairing a sewer connection or extension before applying and obtaining a signed proper permit shall be punished by a fine of not more than fifty dollars for the first offense and one hundred dollars for any subsequent offense. Until said amount is paid in full, said person will not be allowed to apply for any additional water or sewer permits in the City of Attleboro. All permits issued herein shall be physically present at the job site. If any person is found to be installing or repairing a sewer connection or extension without a permit at the job site, a fifty ($50.00) dollar fine will be assessed to said person. (amended 4/5/16)

n. If a contractor covers or backfills any work on a sewer or sewer connection before an inspection has been completed by the Superintendent or his designee, a $100.00 fine will be assessed to said contractor. In addition, the contractor will be required to reopen the trench to the inspector’s satisfaction exposing the work in order for the inspection to be completed.

16-15.7 Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

16-15.8 Specific Prohibitions

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater.

a. Pollutants or wastewater which will cause pass through and interference.

b. Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed-cup flash-point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

c. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

d. Wastewater having a temperature grater than 125°F (51.6°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(updated 8/20/2020)
e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

g. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 16-15.18(2) of this ordinance.

h. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the City’s NPDES permit;

i. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations:

   1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
   2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
   3. Any waters or wastes having a pH lower than 5.5 (or more than 9.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
   4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground garbage grindings.
   5. Any waters which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

j. No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of the wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

k. Any liquid or vapor having a temperature higher than one hundred four degrees (104°F) forty degrees (40°C) at the treatment plant.

l. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°F) and one hundred four degrees (104°F) zero (0° to 40°C degrees C) or any petroleum oil and grease in excess of fifteen (15) MG/L.

m. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

n. Any waters or wastes containing pollutants in excess of local limits established and implemented by the Superintendent and incorporated into the City’s approved pretreatment program, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits in the Pretreatment Program or established by the Superintendent of such materials.

(updated 8/20/2020)
o. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

p. Any radioactive wastes or isotopes of such half-life or concentration as exceeds limits established by the Superintendent in compliance with applicable State or Federal Regulations.

q. Any waters or wastes having pH in excess of 9.5.

r. Materials which exert or cause:
   1. Unusual concentration of inert suspended solids (such as, but not limited to, fuller’s earth, lime slurries, and lime residues) or of dissolved solids (such as, not limited to, sodium chloride and sodium sulfate);
   2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
   3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
   4. Unusual volume of flow or concentration of wastes constituting “Slugs” as defined herein.

s. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

t. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies that have jurisdiction over discharge to the receiving waters.

u. If any waters are discharged, or are proposed to be discharged to the public sewers, and such waters contain the substances or possess the characteristics enumerated in 16-15.8 herein which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works processes, equipment, the environment, aquatic life, or receiving water, or otherwise create a hazard to or constitute a public nuisance, the Superintendent may:
   1. Reject the wastes;
   2. Require pretreatment to an acceptable condition for discharge to the public sewers;
   3. Require control over the quantities and rate of discharge, and/or;
   4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

v. If the Superintendent chooses to reject the wastes, he may do so by immediately prohibiting an industrial user from discharging the prescribed wastes after informal notice to the discharger that it reasonably appears to present an imminent endangerment to the health or welfare of the general public or individual persons. Where the discharge of wastes presents, or may present an endangerment to the environment or threatens to interfere with the operation of the treatment plant, the Superintendent may prohibit such discharge after giving written notice to the affected discharger, allowing a ten (10) day period for a response to the notification, and informally answering any such response prior to the actual termination of the waste into the sewer system. If any industrial discharge is not voluntarily terminated, as required above, the Superintendent is hereby empowered to adopt whatever means are necessary, including physically blocking the entrance of the prescribed wastes into the sewer system providing such means do not pose a hazard to the public health or welfare.

w. If the Superintendent permits the pretreatment or equalization of waste flows, a schedule for the completion and initial operation of the system shall be submitted, and such schedule, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, rules, regulations and laws.

x. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to ready and easily accessible for cleaning and inspection. Grease, oil, and sand interceptors are required to be pumped out annually and a copy of the manifest sent to the City of Attleboro Department of Wastewater, 77 Park Street, Attleboro MA 02703

(updated 8/20/2020)
y. Where a preliminary treatment or flow-equalizing facilities are provided for any waters and wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

z. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with a plan approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

aa. All pollutants analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

bb. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the City may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting results of such monitoring to the Superintendent. Industries subject to Categorical Pretreatment Standards established by the Federal Government shall conform to all pertinent reporting requirements set forth in the Federal Register. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharge to the receiving waters.

c. No provision of this ordinance shall be construed as preventing any special agreement or arrangements between the City and industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, except where such agreement or arrangement would constitute a violation of any applicable pretreatment standard or requirement, including categorical standards, local limits or any prohibited substances.

16-15.9 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference. All industrial users subject to categorical standards must achieve and maintain compliance with appropriate categorical limitations.

a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).

b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6 (e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

d. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

16-15.10 Local Limits

In addition to the prohibitions and other limitations contained in this Ordinance, the Superintendent shall have the authority to establish and implement specific limitations for industrial users (i.e., local limits) for various substances that can be accepted into the sewer system. All affected users shall comply with the local limits established as part of the City’s approved pretreatment program. Current Local Limits are provided in Attachment A, appended to Chapter 16 of this Ordinance.

16-15.11 Wastewater Discharge Permit Application

1. Wastewater Analysis

(updated 8/20/2020)
When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

2. Wastewater Discharge Permit Requirement
   a. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to 16-15.11 (3) of this ordinance may continue to discharge for the time period specified.

   b. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

   c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 16-15.22 and 16-15.2 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

   d. An Industrial User Permit fee is hereby established for each industry that participates in the Industrial Pretreatment Program. The fee for said permit shall be $2,200 and shall be renewed every five years.

3. Wastewater Discharge Permitting: Existing Connections
   a. Existing Conditions

       Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall within 90 days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with 16-15.11 (4) of this ordinance, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

   b. New Conditions

       Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with 16-15.11 (4) of this ordinance, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

4. Wastewater Discharge Permit Application Contents

   All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

   a. All information required by 16-15.13 (5b) of this ordinance;

   b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally, be discharged to the POTW;

   c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

   d. Each product produced by type, amount, process or processes, and rate of production;

   e. Type and amount of raw materials processed (average and maximum per day);

   f. Site plans, flow plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
g. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

h. Requirements to control Sludge Discharge, if determined by the Superintendent to be necessary;

i. Time and duration of discharges; and

j. Any other information as maybe deemed necessary by the Superintendent to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

5. Application Signatories and Certification

All wastewater discharge permit application and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6. Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

16-15.12 Wastewater Discharge Permit Issuance Process

1. Wastewater Discharge Permit Duration
   a. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

2. Wastewater Discharge Permit Contents
   A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Wastewater discharge permits must contain:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed not more than five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Attleboro in accordance with the permit requirements, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limitations based on applicable pretreatment standards, including categorical standards, local limits, or other discharge prohibitions;
d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
e. A statement of applicable civil and criminal penalties for violation of pre-treatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

3. Waste Discharge Permit Modification

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
b. To address significant alterations or additions to the user’s operations, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
d. Information indicating that the permitted discharge poses a threat to the City’s POTW, City personnel, or the receiving waters;
e. Violation of any terms or conditions of the wastewater discharge permit;
f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
h. To correct typographical or other errors in the wastewater discharge permit; or
i. To reflect a transfer to the facility ownership or operation to a new owner or operator

4. Wastewater Discharge Permit Revocation

The Superintendent may revoke a wastewater discharge permit for good cause including but not limited to, the following reasons:

a. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
b. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 16-15.14 (3) of this ordinance;
c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
d. Falsifying self-monitoring reports;
e. Tampering with monitoring equipment;
f. Refusing to allow the Superintendent timely access to the facility premises and records;
g. Failure to meet effluent limitations;
h. Failure to pay fines;
i. Failure to pay sewer charges;
j. Failure to meet compliance schedules;
k. Failure to complete a wastewater survey or the wastewater discharge permit application;

l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this ordinance. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that

5. Wastewater Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

a. Failure to submit a timely petition for view shall be deemed to be a waiver of the administrative appeal.

b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

d. If the Superintendent fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction.

16-15.13 REPORTING REQUIREMENTS

1. Baseline Monitoring Reports

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 9a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph b, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph b, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. Users described above shall submit the information set forth below.

(1) Identifying Information: The name and address of the facility, including the name of the operator and the owner.

(2) Environmental Permits: A list of any environmental control permits held by or for the facility.

(3) Description of Operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6 (e).

(5) Measurement Pollutants:
(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 16-15.14 (7).

(c) Sampling must be performed in accordance with procedures set out in 16-15.14 (8) of this ordinance.

(6) Certification: A statement, reviewed by the user’s authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule: If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in 16-15.14 of this ordinance.

(8) Signature and Certification: All baseline monitoring reports must be signed and certified in accordance with Section 16-15.11(5) of this ordinance.

16-15.14 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by 16-15.13 (7) of this ordinance:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, complete preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

b. No increment referred to above shall exceed nine (9) months;

c. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

1. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in 16-15.13 (4 through 6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user’s long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user’s actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with 16-15.11 (5) of this ordinance.

2. Periodic Compliance Reports

(updated 8/20/2020)
a. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with 16-15.11 (5) of this ordinance. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

b. All wastewater samples must be representative of the user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in 16-15.14 (7) and (9) of ordinance, the results of this monitoring shall be included in the report.

3. Reports of Changed Conditions

Each user must notify the Superintendent of any planned significant changes to the user’s operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

a. The Superintendent may require the user to submit such information as may be necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 16-15.11 (4) of this ordinance.

b. The Superintendent may issue a wastewater discharge permit under Section 16-15.11 (6) of this ordinance or modify an existing wastewater discharge permit under Section 16-15.12 (3) of this ordinance in response to changed conditions or anticipated changed conditions.

c. For responses of this requirement, significant changes includes, but are not limited to, flow increase of 10 percent or greater, and the discharge of any previously unreported pollutants.

4. Reports of Potential Problems

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a sludge load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the user.

b. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user to prevent similar future damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

c. A notice shall be permanently posted on the user’s bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph a, above. Employees shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

5. Reports From Unpermitted Users
All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user’s facility at least once a month, or if the Superintendent samples between the user’s initial sampling and when the user receives the results of this sampling.

7. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

8. Sample Collection

a. Except as indicated in Section b and c, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

b. Sample for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organ compounds must be obtained using grab collection techniques.

c. For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

9. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

10. Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analysis. These records shall remain available for a period of at least five (5) years. This period shall be automatically
extended for the duration of any litigation concerning the user or the City of Attleboro, or where the user has been specifically notified of a longer retention period by the Superintendent.

16-15.15 POWERS AND AUTHORITY OF INSPECTORS

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties within the City of Attleboro with the consent of the owner or lessee for the purpose of inspection and observation, taking of measurements and samples, and testing in accordance with the provisions of this ordinance, including the ability to inspect and copy records thereon. While performing the necessary work in private properties, the Superintendent, or duly authorized employees of the City, shall follow fundamental safety precautions while on the premises, and the property owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the property owner against liability claims and demands for personal injury or property damage asserted against the property owner while on the premises except as such may be caused by negligence or failure of the property owner to maintain safe conditions as required in 16-15.8 aa.

16-15.16 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

16-15.17 ADDITIONAL PRETREATMENT MEASURES

a. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user’s compliance with the requirements of this ordinance.

b. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

c. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be repaired regularly, and inspected and cleaned annually by a licensed contractor hauler at the user’s expense. A copy of the hauler’s manifest shall be sent to the City of Attleboro Department of Wastewater 77 Park Street Attleboro, MA 02703.

d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

16-15.18 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

1. At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by 16-15.14 (4) of this ordinance; and

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d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plan site runoff, worker training, building of containment structures or equipment, measures to containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

e. Unreasonable delays in allowing the Superintendent access to the user’s premises shall be a violation of this ordinance.

2. HAULED WASTEWATER

The municipality must ensure that hauled industrial waste is adequately regulated and should consider taking measures to ensure that haulers of septic tank waste are not introducing industrial waste to the POTW. The following is one possible means of regulating hauled waste.

a. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 16-15.8 of this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

b. The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

c. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste haulers to provide a waste analysis of any load prior to discharge.

d. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste haulers, permit number, truck identification, names and address of source of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

16-15.19 SEARCH WARRANTS

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from a Court of competent jurisdiction.

16-15.20 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

16-15.21 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

(updated 8/20/2020)
The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The cost of said publication shall be at the sole expense of the user. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that [the Superintendent] determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in [the Superintendent’s] exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;]

f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Section 16-16  Sewer Main Extension Installation (amended 10/16/07)

16-16.1 Any person desiring a sewer main extension in any public or private street shall apply to the Office of the Superintendent of Wastewater for permission to extend the sewer main. Said application shall be accompanied by a plan and profile of the street or way made by an engineer or land surveyor; an easement for such extension if a private street or way, and a stipulation waiving all damages in any private street or way executed by all abutting property owners.

16-16.2 If approval is granted and prior to any main extension, the contractor must obtain a permit from the office of the Superintendent of Wastewater to perform the work. A fee of four hundred ninety-five ($495.00) dollars shall be paid prior to issuing a permit. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided from herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder. The fee for a renewal permit shall be fifty ($50.00 dollars. All fees shall be paid to the City of Attleboro at the time the permit is issued.

16-16.3 Installation and materials used must meet the City of Attleboro's specifications, which are available at the City Engineer's office. All invoices of materials to be used for the installation must be sent to the Superintendent’s office.

16-16.4 The Superintendent shall determine the size of the main and the placing of manholes. Distance between manholes shall be three hundred (300) feet or less, measured along centerline of streets. Sewer main lines shall be extended a minimum of twenty (20) feet past the closest property line to be served and a manhole shall be set at the end of the line. The City Inspector must be notified twenty-four (24) hours in advance of starting work of installing a sewer main. After the line is in place it shall be pressure tested.
Section 16-17 Sewer Betterment Assessments (Amended 12/21/99)

16-17.1 Authorization

Sewer betterment assessments are governed by the provisions of this ordinance and the applicable provisions of General laws Chapter 80 and 83.

16-17.2 Cost Allocation

When a sewer betterment assessment is imposed with respect to a particular sewer construction project, sixty-six and two-thirds percent (66 2/3%) of the actual cost of the project, after the deductions described herein are made from such cost, will be assessed against the owner or owners of land in front of which the sewer main in question runs and for the use of which it was installed.

In determining the amount of the sewer betterment assessment to be made, there shall be deducted from the actual cost of the project the following:

a. The costs of general benefit facilities, including but not limited to pumping stations, force mains, and trunk lines.

b. Any federal or state grants and the principal portion of state subsidies received by the City for the project.

The remainder of the actual cost of the project will be borne by the City. The City’s share of the actual cost of the project shall be paid from the sewer use charges established by ordinance.

16-17.3 Sewer Betterment Assessment Criteria

Sewer betterment assessments shall be made upon owners of land in accordance with a uniform unit method. Under such method, a uniform unit of cost shall be determined by dividing the total cost of the project to be assessed against owners of land by the total number of existing and potential sewer units to be served. Each sewer unit shall be equal to a single-family residence. Potential sewer units shall be calculated on the basis of zoning then in effect and in accordance with the criteria set forth herein. Existing and potential multifamily, commercial and industrial uses shall be converted into sewer units on the basis of residential equivalents. An owner’s assessment shall be equal to the number of sewer units assessed to him multiplied by the unit of cost.

Each single family residence including any lawful conforming use as such, located on a way where the sewer line is installed shall be assessed one unit of cost. Each potentially buildable lot located on such way shall also be assessed one unit of cost. In determining whether any such lot is buildable, the zoning requirements for the zoning district in which the lot is located shall be applied.

Existing, including any lawful conforming uses, and potential multifamily uses, commercial uses, and industrial uses located on a way where the sewer line is installed shall be converted into sewer units on the basis of single family residential equivalents. In determining the residential equivalents for multifamily uses, the zoning requirements of the zoning district in which the multifamily use is located shall apply. The number of sewer units calculated for multifamily uses shall be calculated on the basis of lot area and not on the basis of the number of family units in the dwelling. In determining the residential equivalents for commercial and industrial uses, the zoning requirements for the Single Residential-D (“SR-D”) Zoning District shall apply. Each residential lot equivalent will be assessed one unit of cost.

A potential lot which meets the applicable zoning requirements but is deemed unbuildable for any other reason shall not be assessed as a sewer unit.

All City-owned lots which meet the requirements established herein for classification as a sewer unit shall be included in the number of sewer units used in determining the unit of cost.

16-17.4 Planning Phase

When a need has been identified for a sewer construction project in a specific area of the City, the Mayor shall submit a proposal for the design and engineering for such project to the Municipal Council. When the project is fully designed and ready for the construction process, the Mayor will submit a proposal for such to the Municipal Council. Such proposal shall
include the layout of the project, an estimate of the completion date of the project, an estimate of the actual cost of the project, and an estimate of the cost per sewer unit to be assessed to property owners. The Municipal Council shall hold a public hearing on the proposal and shall include such information in the notice of the public hearing.

16-17.5 Notification to Property Owners
No less than thirty (30) days prior to commencement of construction of the project, the City shall give written notice of the impending project to each property owner on a way where a sewer line is to be installed. Such notice shall include as a minimum the following:

a. Description of the property to be assessed.

b. Notice that a sewer line is schedule to be installed on the way where the property is located.

c. An estimate of the completion date of the project.

d. As the property will be bettered by the installation of the sewer line, a betterment fee will be assessed.

e. An estimate of the betterment fee to be assessed against the property.

f. Notice that a municipal lien will be placed on the property on which a sewer betterment fee is assessed, if the fee is not paid within thirty (30) days of the date of the billing of the sewer assessment fee.

16-17.6 Municipal Lien Certificate
No less than thirty (30) days prior to the commencement of construction of the project, the Superintendent of Wastewater shall give written notice to the Collector of Taxes of all properties which are to be assessed a betterment fee. Municipal lien certificates issued thereafter on properties to be so assessed will contain the notation that “this property is scheduled to be assessed a sewer betterment fee, the amount of which is not ascertainable at this time”.

16-17.7 Order of Assessment
The Superintendent of Wastewater shall, within six (6) months after the completion of the sewer project, adopt and order of assessment for the project. Such order shall designate each property owner being assessed a betterment fee, identify the parcel of land on which the assessment is made, identify the plan of the area where the sewer project was constructed, and state the amount of the betterment assessed to each parcel of land. Such order shall be recorded in the Bristol County Northern District Registry of Deeds within a reasonable period of time after its adoption.

16-17.8 Collection of Assessments
The Superintendent of Wastewater shall, within a reasonable period of time after the adoption of such order of assessment, deliver a copy thereof to the Board of Assessors which shall forthwith commit such assessments to the Collector of Taxes for collection. The Collector of Taxes shall send notice of the amount of the assessment to the owner of each parcel of land assessed with an explanation of the options available for its payment. Assessments are due and payable within thirty (30) days of the date of the billing unless an apportionment of the payment of the assessment over a maximum period of thirty (30) years is requested. If payment is made within thirty (30) days, no lien shall be placed on the property. Upon payment in full of the assessment, the City shall furnish the owner with a discharge of the lien for recording in the Registry of Deeds.

16-17.9 Deferred and Recovery Agreements
In accordance with the provisions of Chapter 80, Section 13B of the General Laws, the Superintendent of Wastewater shall, upon the application of the owner of property assessed a sewer betterment fee, if such owner is eligible for an exemption under Clause Forty-first A of Section 5 of Chapter 59 of the General Laws, enter into a deferral and recovery agreement with such owner on behalf of the City. Such agreement shall provide for the deferral and subsequent payment of the betterment assessment on the terms and conditions set forth in said Section 13B. Application to enter into such agreement must be made within six (6) months after notice of such assessment has been sent out by the Collector of Taxes.

16-17.10 Petition for Abatement
The owner of any real estate upon which a sewer betterment has been assessed may, within six (6) months after notice of such assessment has been sent out by the Collector of Taxes, file with the Superintendent of Wastewater a petition for an abatement of such assessment.

(updated 8/20/2020)
The Superintendent shall act on such petition within four (4) months of the date of its filing. If he does not act within that time, the petition is deemed to be denied. The Superintendent shall give written notice to the petitioner of his decision within ten (10) days after it has been made.

16-17.11 Appeal of Denial of Abatement
Any person who is aggrieved by the refusal of the Superintendent of Wastewater to abate a sewer assessment in whole or in part has two (2) alternative rights of appeal. He may, under Section 7 of Chapter 80 of the General Laws, file an appeal with the Superior Court within thirty (30) days after notice of the Superintendent’s decision, or he may, under Section 10 of Chapter 80, appeal such decision within said thirty (30) day period to the Bristol County Commissioners. If the Superintendent fails to act on a petition within four (4) months after the date of its filing, the petitioner has sixty (60) days after the expiration of said four (4) month period to file his appeal. In any event, if the assessment has been paid, no appeal may be taken after the expiration of ten (10) months from the date of payment.

Section 16-18 Sewer Use Rate (amended 6/21/05, 6/20/06, 6/19/07, 6/10/08, 6/24/13, 9/16/14, 4/5/16, 6/23/20)

16-18.1 A charge is hereby established for the use of the City’s sewer system. Such charge, except as otherwise provided in Section 16-18.2 and 16-18.3 next below, shall be based on the amount of water supplied to any use of the City's water system as shown by the meter readings. The sewer use charge shall be for sewer users and based on ninety (90%) of the water used and shall be charged for at a rate of nine dollars and forty-seven cents ($9.47) and ten dollars and thirty-seven cents ($10.37) per 100 cubic feet for residential and industrial respectively, with a minimum charge for each three months of forty dollars and ninety-five cents ($40.95) for the first 450 cubic feet. The sewer rates established hereunder, to be effective July 1, 2020.

16-18.2 Any user of the city's sewer system may install and maintain at his own expense, an individual sewage meter or other measuring device acceptable to the Superintendent. Sewage so measured shall be charged for at the rate established in Section 16-18.1.

16-18.3 Any user of the city's sewer system not using city water shall install and maintain, at his own expense, an individual sewage meter or other measuring device acceptable to the Superintendent. Sewage so measured shall be charged for at the rate established in Section 16-18.1.

16-18.4 (Amended 5/3/05) Bills for sewer use charges shall be issued on the same cycle as water bills and shall be payable within thirty (30) days of the billing date. Interest at the rate of twelve (12%) percent per annum from the date of the bill to the date of payment shall be collected for sewer use charges not paid within thirty (30) days of the date of the bill and thus deemed to be delinquent. Any delinquent sewer use charge, together with the interest due, shall constitute a lien upon the real estate for which such service is supplied. Such items shall be processed in the same manner of liens for unpaid water bills. This ordinance to be effective May 5, 2005, with the Council giving permission to the Collector to enclosed a separate notice highlighting the change.

16-18.5 The money received from said sewer use charges shall be applied to the payment of the cost of maintenance and repairs of the city's sewers or of any debt contracted for sewer purposes.

16-18.6 (amended 4/5/16) An Industrial User which is required as a condition of its Industrial Waste Permit to pre-treat its sewage shall pay a surcharge at the rate of ninety (.90) cents per 100 cubic feet. The surcharge shall be in addition to the charge established in Section 16-18.1 above. Billing and payment of the surcharge shall be in accordance with Section 16-18.4. The money received from said surcharge shall be applied to the payment of costs associated with the administration of the pre-treatment program requirements by the City, including purchasing and maintenance of equipment and utilization of contract services where deemed necessary by the Superintendent.

16-18.7 (amended 4/5/16) An Industrial User shall pay the cost for quarterly, semi-annual or more frequent sampling as deemed necessary by the Superintendent. Such sampling may be a condition of an Industrial Waste Permit or may be ordered by the Superintendent to prevent harmful effects upon the Treatment Works or the environment.

16-18.8 (amended 9/16/14) A flat rate surcharge of $25.00 per billing period is hereby established for the use of the City’s sewer system by commercial businesses designated and notified by the Superintendent, as Significant Commercial Users to be monitored by the Department of Wastewater. Such a flat rate surcharge shall be in addition to the charge established in Section 16-18.1 above. Billing and payment of the flat rate surcharge shall be at the time of each quarterly billing period.

(updated 8/20/2020)
16-18.9 (amended 9/16/14) No Significant Commercial User shall discharge wastewater into the POTW without first obtaining a Commercial User Permit from the Superintendent of Wastewater. A one-time fee of One Hundred ($100.00) dollars shall be paid prior to issuing the Commercial User Permit. A Commercial User Permit cannot be transferred to another person or entity.

This ordinance shall become effective upon its passage on 9/16/14.

Section 16-19 Disposal of Septic Tank Waste (amended 5/6/08)

16-19.1 No person, firm or corporation shall engage in the collection and disposal of septic tanks and cesspool contents within the boundaries of the City of Attleboro and Northern Seekonk for disposal in the City of Attleboro Water Pollution Control Facility unless a license therefore has been granted.

In response to an emergency request, the Mayor with the approval of the Superintendent of Wastewater and the Health Agent, may allow disposal from areas outside of Attleboro and Northern Seekonk for a period not to exceed 60 days. Disposal so allowed shall be subject to all of the terms and conditions of this ordinance.

16-19.2 For the purpose of this ordinance, Northern Seekonk is defined as follows:
Beginning at the corner boundary #9 (Attleboro, Pawtucket and Seekonk) said monument being situated between the Attleboro Water Pollution Control Station and the Seven Mile River culvert; thence running in a southwesterly direction and following the boundary line between Pawtucket, R. I., and Seekonk, Mass. a distance of 6,400 feet to an angle point; thence in a southeasterly direction an approximate distance of 8,600 feet to an angle point; thence running in a southwesterly direction an approximate distance of 2,000 feet to a point on the mentioned boundary line; thence turning in an easterly direction toward Read Street in Seekonk and running over and along said Read Street a distance of 12,000 feet to a point on the boundary line between the Town of Seekonk and the Town of Rehoboth; thence turning and running over and along said boundary line in a northerly direction an approximate distance of 13,200 feet to a monument on the boundary line between the Town of Seekonk and the City of Attleboro; thence turning and running in a southwesterly direction an approximate distance of 10,800 feet, to the point of beginning.

16-19.3 An application for each vehicle to be used for such collection and disposal shall be filed by the owner of the vehicle with the Health Department. Each such vehicle shall be inspected by the health Department upon payment of a twenty-five ($25.00) dollar fee.

16-19.4 The Health Department shall issue a license if it determines that the vehicle is safe and sanitary for hauling. Evidence of the licenses shall be a windshield sticker, issued and signed by an authorized agent of the Health Department, displayed on the right cab door windshield in accordance with the provisions of the Massachusetts Registry of Motor Vehicles.

16-19.5 The Water Pollution Control Facility operator may reject any or all loads if it is determined that the load may interfere with, hamper, or be detrimental to the efficient operation of the plant. The disposal of grease shall not be allowed at the facility.

16-19.6 A disposal record and charge form shall be issued by the Department of Wastewater for completion in duplicate by the licensee: one copy to the Superintendent of Wastewater; the second to the licensee. The disposal record form shall contain the following information:

a. Date of Disposal.
b. Name of firm, person, corporation, or partnership.
c. Origin of Load.
   In case of two origins, both shall be listed with approximate volume of each.
d. Capacity of truck. Registration number.
e. Approximate number of gallons to be disposed.
f. Charge (See 16-19.7).
g. Signature of driver.
h. Signature and address of person or persons from where disposal originated, in duplicate.
i. Signature of plant operator.

16-19.7 The charge to process septage shall be $7.00 per 100 gallons. This charge shall be based on the full, registered capacity of the truck.

16-19.8 Payment for use of the Water Pollution Control Facility for disposal of septic tank and cesspool contents shall be made on a monthly basis to the City of Attleboro and paid to the City Collector. Billing shall be forwarded to licensed users by the Department of Wastewater not later than the tenth day of each month. Payment shall be made within thirty (30) days after receipt of billing. Penalty for late payment shall be immediate revocation of disposal license by the Health Department. Interest at the rate of twelve (12%) percent per annum from the date of the bill to the date of payment shall be collected for disposal of septic tank and cesspool contents not paid within thirty (30) days of the date of the bill and thus deemed to be delinquent.

16-19.9 Whosoever violates any provisions of this ordinance shall be liable to a penalty not to exceed one hundred ($100.00) dollars for each and every violation thereof and subject to immediate revocation of disposal license by the Health Department.

Section 16-20 Restricted Use of Orr's Pond and Manchester Reservoir (amended 10/17/17)

16-20.1 No unauthorized person shall enter upon any pond or reservoir owned or used as a source of water supply by the City of Attleboro, or the land owned by the City of Attleboro and surrounding the same for any reason whatsoever, except that fishing from the shore shall be permitted in Orr's Pond and Manchester Reservoir if a permit therefore has been granted. Notwithstanding the foregoing, passive recreation, as that term is defined in Section 17-11.2 herein, shall also be allowed in the City’s land surrounding Orr's Pond and Manchester Reservoir, subject to the conditions and restrictions set forth in sections 16-20.5 through 16-20.9 below.

16-20.2 Any resident of the City of Attleboro who holds a fishing license from the Commonwealth of Massachusetts and who has attained the age of fifteen (15) years may obtain from the City Clerk a permit to fish in Orr's Pond and Manchester Reservoir. A person under the age of fifteen may fish without a permit if he is accompanied by an adult holder of a permit.

16-20.3 The permit shall be effective for the same period as the fishing license from the Commonwealth of Massachusetts. Fishing shall be permitted from one hour before sunrise to one hour after sunset.

16-20.4 Fishing shall be from designated areas on shore by hook and line only, in numbers, lengths and kinds allowed by the Fish and Game Laws of the Commonwealth of Massachusetts. No live bait shall be used. A map of designated areas shall be provided by the Superintendent of Water.

16-20.5 No person shall drink or have in his possession alcoholic beverages of any nature while on these fishing grounds. No person shall dispose of rubbish or refuse or deposit or discharge human excrement on this fishing grounds.

16-20.6 No person shall build a fire, picnic, smoke, hunt, shoot or trap on these fishing grounds. No person shall in any way bring firearms of any nature on these fishing grounds.

16-20.7 No person shall tamper with or damage any gate, barrier, or lock or deface or defile signs, trees or other property on these fishing grounds.

16-20.8 No person shall refuse or neglect to obey any reasonable request made or order given by officers or employees of the Department of Water or the Commonwealth of Massachusetts Department of Natural Resources.

16-20.9 These ordinances are in addition to any regulation established by the Commonwealth of Massachusetts Department of Natural Resources and the Massachusetts Department of Public Health covering public use and water supply areas for recreation.

16-20.10 Persons found to be in violation of this Section 16-20 shall be liable to a fine of Seventy-Five ($75.00) dollars for a first offense and a fine of One Hundred ($100.00) Dollars for the second and subsequent violations; said penalties to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D or as criminal penalties under General Laws Chapter 40 Section 20, as amended.
The provisions of Sections 16-21.1 to 16.21.3, inclusive, shall be applicable to the Departments of Water and Wastewater equally, and the responsibilities and powers enumerated therein granted to the Superintendent shall apply equally to the Superintendent of Water and the Superintendent of Wastewater.

16-21.1 ADMINISTRATIVE ENFORCEMENT REMEDIES

1. NOTIFICATION OF VIOLATION

When the Superintendent finds that a user has violated, or continues to violate, any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within five (5) days of the receipt of this notice, an explanation of the violation and plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. CONSENT ORDERS

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 16-21.1 (4) and 16-21.1 (5) of this ordinance and shall be judicially enforceable.

3. SHOW CAUSE HEARING

The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

4. COMPLIANCE ORDERS

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any action against the user.

5. CEASE AND DESIST ORDERS

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standards or requirements, or that the user’s past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:
   a. Immediately comply with all requirements;
   b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6. EMERGENCY SUSPENSIONS

(updated 8/20/2020)
The Superintendent may immediately suspend a user’s discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 16-21.1 (7) of this ordinance are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 16-21.1 (3) or 16-21.1 (7) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7. TERMINATION OF DISCHARGE
In addition to the provisions in Section 16-21.1 (4) of this ordinance, any user who violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

d. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or

e. Violation of the pretreatment standards in Section 16-15.9 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 16-21.1 (3) of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

16-21.2 JUDICIAL ENFORCEMENT REMEDIES

A. INJUNCTIVE RELIEF

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a Court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. CIVIL PENALTIES

1. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of $5,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The Superintendent may recover reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(updated 8/20/2020)
3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user’s violation, corrective actions by the user, the compliance history of the user, and any other factor as justice required.

4. Filing a suit for civil penalties shall not be a bar against, or prerequisite for, taking any other action against a user.

C. CRIMINAL PROSECUTION

1. A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be prosecuted to the fullest extent of the law.

2. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall be prosecuted to the fullest extent of the law. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

3. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be prosecuted to the fullest extent of the law.

16-21.3 REMEDIES NON-EXCLUSIVE (amended 4/18/13, 4/18/17)

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliance user. Enforcement of pretreatment violations will generally be in accordance with the City’s enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

ATTACHMENT A

CITY OF ATTLEBORO – LOCAL LIMITS

<table>
<thead>
<tr>
<th>Parameter/Pollutant</th>
<th>Local Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH (standard units)</td>
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<tr>
<td>Temperature (F/C)</td>
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<tr>
<td>Fats, Wax, Grease, Oils</td>
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<td>Monitor</td>
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(updated 8/20/2020)
16-22.1 APPLICABILITY

(a) Except as provided in paragraphs (c), (d), and (e) of this section, this ordinance applies to dental dischargers.

(b) Unless otherwise designated by the Control Authority, dental dischargers subject to this ordinance are not Significant Industrial Users as defined in 40 CFR part 403, and are not “Categorical Industrial Users” or “industrial users subject to categorical pretreatment standards” as those terms and variations are used in 40 CFR part 403, as a result of applicability of this rule.

(c) This ordinance does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

(d) This ordinance does not apply to wastewater discharges from a mobile unit operated by a dental discharger.

(e) This ordinance does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR part 437.

(f) Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 16-22.5 are exempt from any further requirements of this ordinance.

16-22.2 GENERAL DEFINITIONS

(a) “Amalgam Process Wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

(b) “Amalgam Separator” means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

(c) “Control Authority” means the City of Attleboro Department of Wastewater.

(d) “Dental Amalgam” means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

(e) “Dental Discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a POTW.

(f) “Duly Authorized Representative” as defined in 16-15.4.a.

(g) “Existing Sources” means a dental discharger that is not a new source.

(h) “Mobile Unit” means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

(i) “New Sources” means a dental discharger whose first discharge to a POTW occurs after July 14, 2017.

(j) “Publicly Owned Treatment Works”, as defined in 16-15.4.u, means any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.”
No later than July 14, 2020, any existing source subject to this ordinance must achieve the following pretreatment standards:

(a) Removal of dental amalgam solids from all amalgam process wastewater by one of the following methods:

(1) Installation, operation, and maintenance of one or more amalgam separators that meet the following requirements:
   (i) Compliant with either ANSI American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) or the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions so long as that version requires amalgam separators to achieve at least a 95% removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108-2009 or ISO 11143.
   (ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
   (iii) A dental discharger subject to this ordinance that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of paragraphs (a)(1)(i) and (ii) of this section until the existing separator is replaced as described in paragraph (a)(1)(v) of this section until June 14, 2027, whichever is sooner.
   (iv) The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
   (v) In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a)(i) and (ii) of this section as soon as possible, but no later than 10 business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.
   (vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

(2) Installation, operation, and maintenance of one or more amalgam removal device(s) other than an amalgam separator. The amalgam removal device must meet the following requirements:
   (i) Removal efficiency of at least 95 percent of the mass of solids from all amalgam process wastewater. The removal efficiency must be calculated in grams recorded to three decimal places, on a dry weight basis. The removal efficiency must be demonstrated at the maximum water flow rate through the device as established by the device manufacturer's instructions for use.
   (ii) The removal efficiency must be determined using the average performance of three samples. The removal efficiency must be demonstrated using a test sample of dental amalgam that meets the following particle size distribution specifications: 60 percent by mass of particles that pass through a 3150 µm sieve but which do not pass through a 500 µm sieve, 10 percent by mass of particles that pass through a 500 µm sieve but which do not pass through a 100 µm sieve, and 30 percent by mass of particles that pass through a 100 µm sieve. Each of these three specified particle size distributions must contain a representative distribution of particle sizes.
   (iii) The device(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
   (iv) The device(s) must be accompanied by the manufacturer's manual providing instructions for use including the frequency for inspection and collecting container replacement such that the unit is replaced once it has reached the maximum filling level at which the device can perform to the specified efficiency.
   (v) The device(s) must be inspected in accordance with the manufacturer's operation manual to ensure proper operation and maintenance; including confirmation that amalgam process wastewater is flowing through the amalgam separating portion of the device(s).
   (vi) In the event that a device is not functioning properly, it must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a)(2)(i) through (iii) of this section as soon as possible, but no later than 10 business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.
   (vii) The amalgam retaining unit(s) of the device(s) must be replaced as specified in the manufacturer's operating manual, or when the collecting container has reached the maximum filling level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.
   (viii) The demonstration of the device(s) under paragraphs (a)(2)(i) through (iii) of this section must be documented in the One-Time Compliance Report.

(b) Implementation of the following Best Management Practices (BMPs):

(updated 8/20/2020)
(1) Eliminate all use of bulk elemental mercury (also referred to as liquid or raw mercury).
(2) Use only pre-capsulated dental amalgam in the smallest appropriate size.
(3) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.
(4) Change or empty chair-side traps frequently and store the trap and its contents with amalgam waste in amalgam waste containers.
(5) Never rinse traps in the sink.
(6) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.
(7) Change vacuum pump filters and screens as needed or as directed by the manufacturer and store them with amalgam waste.
(8) For dry vacuum turbine units, have a qualified maintenance technician, amalgam recycler, or hazardous waste disposal service pump out and clean the air-water separator tank.
(9) Have a licensed recycling contractor, mail-in service, or hazardous waste hauler remove your amalgam waste.
(10) Maintain written or computerized logs onsite of amalgam waste generated and of amalgam waste removed from the vacuum system or plumbing. Store all amalgam in airtight containers. Never pour fixer solution down the drain.
(11) Train staff in proper handling, management, and disposal of mercury-containing material and fixer solutions. Maintain a training log.
(c) All material is available for inspection at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Telephone: 202-566-2426, and is available from the sources listed below.
(1) The following standards are available from the American Dental Association (ADA), 211 East Chicago Ave., Chicago IL 60611-2678, Telephone 312-440-2500, http://www.ada.org.

16-22.4 PRETREATMENT STANDARDS FOR NEW SOURCES (PSNS)

As of July 14, 2017, any new source subject to this ordinance must comply with the requirements of 16-22.3 (a) and (b) and the reporting and recordkeeping requirements of 16-22.5.

16-22.5 REPORTING AND RECORDKEEPING REQUIREMENTS

(a) Dental Dischargers subject to this ordinance must comply with the following reporting requirements in lieu of the otherwise applicable requirements in 40 CFR 403.12(b), (d), (e), and (g).
(1) One-Time Compliance Report deadlines. For existing sources, a One-Time Compliance Report must be submitted to the Control Authority no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, a One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following the introduction of wastewater into a POTW.
(2) Signature and certification. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).
(3) Contents.
   (i) The One-Time Compliance Report for dental dischargers subject to this ordinance that do not place or remove dental amalgam as described at 16-22.1 (f) must include the: facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s); and a certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.
   (ii) The One-Time Compliance Report for dental dischargers subject to the standards of this ordinance must include:
      (A) The facility name, physical address, mailing address, and contact information.
      (B) Name(s) of the operator(s) and owner(s).
      (C) A description of the operation at the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, year of installation
(D) Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in 16-22.3 or 16-22.4.

(E) Certification that the dental discharger is implementing BMPs specified in 16-22.3 (b) or 16-22.4 (b) and will continue to do so.

(F) Annual recertification attesting to the content of (D) and (E) above.

(G) The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with 16-22.3 or 16-22.4.

(H) 24 hour notification given to the Department of Wastewater in the event of an amalgam separator equipment failure.

(iii) All compliance reports, certifications and documents provided to the Department of Wastewater will include a certification statement. The certification statement will read as follows:

“I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(4) Transfer of ownership notification. If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer.

(5) Retention period. As long as a Dental Discharger subject to this ordinance is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance Report required at paragraph (a) of this section and make it available for inspection in either physical or electronic form.

(b) Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:

1. Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
2. Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
3. Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
4. Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
5. Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

16-22.6 DENTAL DISCHARGE PERMIT REQUIREMENTS

(a) No dental discharger shall discharge amalgam process wastewater into the POTW without first obtaining a dental discharge permit from the Superintendent.

(b) Any violation of the terms and conditions of a dental discharge permit shall be deemed a violation of this ordinance and subjects the dental discharge permittee to the sanctions set out in Section 16-21.1 and 16-21.2 of this ordinance. Obtaining a dental discharge permit does not relieve a permittee of its obligation to comply with all Federal and State requirements or with any other requirements of Federal, State, and local law.

(c) A Dental Discharge Permit fee is hereby established for each dental discharger that participates in the Dental Amalgam Program. The fee for said permit shall be two thousand dollars ($2,000.00) and shall be renewed every five years.

<table>
<thead>
<tr>
<th>SERVICE</th>
<th>FEE</th>
<th>NOTE</th>
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<td>Dental Amalgam Discharge Permit</td>
<td>$2,000.00</td>
<td>Renewable every 5 years</td>
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16-22.7 DENTAL DISCHARGE PERMIT ISSUANCE PROCESS

(a) Dental Discharge Permit Duration

1. A dental discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. Each dental discharge permit will indicate a specific date upon which it will expire.

(b) Dental Discharge Permit Contents

(updated 8/20/2020)
A dental discharge permit must contain:

1. A statement that indicates dental discharge permit duration, which in no event shall exceed more than five years;
2. A statement that dental discharge permits are nontransferable;
3. A list of Best Management Practices to adhere to;
4. A list of recordkeeping requirements and monitoring requirements;

(c) Dental Discharge Permit Modification

The Superintendent may modify a dental discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alternations or additions to the user’s operations since the time of dental discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City’s POTW, City personnel, or the receiving waters;
5. Violation of any terms or conditions of the dental discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the dental discharge permit application or in any required reporting;
7. To correct typographical or other errors in the wastewater discharge permit.

(d) Dental Discharge Permit Revocation

The Superintendent may revoke a dental discharge permit for good cause including but not limited to, the following reasons:

1. Failure to maintain amalgam separator device(s) according to manufacturer’s recommendations;
2. Failure to adhere to Best Management Practices as described in the Dental Discharge Permit;
3. Misrepresentation or failure to fully disclose all relevant facts in the dental discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with amalgam separator equipment;
6. Refusing to allow the Superintendent timely access to the facility premises and records;
7. Failure to pay fines;
8. Failure to pay sewer charges;
9. Failure to meet compliance schedules;
10. Failure to complete a dental discharge permit renewal application;
11. Violation of any pretreatment standard or requirement, or any terms of the dental discharge permit or this ordinance.

Dental discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All dental discharge permits issued to a particular user are void upon the issuance of a new dental discharge permit to that user.

(e) Dental Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a dental discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a dental discharge permit within thirty (30) days of notice of its issuance.

1. Failure to submit a timely petition for view shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the dental discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the dental discharge permit.
3. The effectiveness of the dental discharge permit shall not be stayed pending the appeal.
4. If the Superintendent fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a dental discharge permit, not to issue a dental discharge permit, or not to modify a dental discharge permit, shall be considered final administrative actions for purposes of judicial review.
5. Aggrieved parties seeking judicial review of the final administrative dental discharge permit decision must do so by filing a complaint with a court of competent jurisdiction.

16-22.8 COMPLIANCE MONITORING

(a) Compliance Samples

The terms of the Dental Discharge Permit require adhering to Best Management Practices as referenced in 16-22.3 Pretreatment Standards for Existing Sources (PSES) as well as to reporting and recordkeeping requirements as referenced in 16-22.5 Reporting and Recordkeeping Requirements. If, in the opinion of the superintendent, the standards and requirements as referenced in 16-22.3 and 16-22.5 are not being met by the dental discharger, the dental discharger may, at the sole discretion of the superintendent, be required to sample their dental discharge, at the expense of the dental discharger, for any and all parameters deemed necessary follows:

1. All samples will be a Grab type sample;
2. All samples will be collected from the discharge side of the amalgam separator/equivalent device;
(3) All samples will be properly preserved and analyzed by a certified laboratory using an approved method according to 40CFR Part 136.

(b) Compliance Sample Reporting
   (1) A copy of the analysis report must be submitted to the Department of Wastewater within five (5) business days of its receipt by the dental discharger;
   (2) The analysis report must include a Chain-of-Custody containing the name and signature of any person(s) who handle the samples in the field and laboratory.

16-22.9 POWERS AND AUTHORITY OF INSPECTORS

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties within the City of Attleboro with the consent of the owner or lessee for the purpose of inspection and observation, taking of measurements and samples, and testing in accordance with the provisions of this ordinance, including the ability to inspect and copy records thereon. While performing the necessary work in private properties, the Superintendent, or duly authorized employees of the City, shall follow fundamental safety precautions while on the premises, and the property owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the property owner against liability claims and demands for personal injury or property damage asserted against the property owner while on the premises except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

16-22.10 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

16-22.11 ACCIDENTAL DISCHARGES/ ACCIDENTAL BY-PASS OF THE AMALGAM SEPARATOR OR EQUIVALENT DEVICE

(a) It is the responsibility of the dental discharger to ensure that all amalgam process wastewater is being properly discharged to an amalgam separator/equivalent device as referenced in 16-22.3 Pretreatment Standards for Existing Sources (PSES).
(b) Further, it is also the responsibility of the dental discharger to ensure that no amalgam separator/equivalent device is operating in by-pass mode.
(c) If either of the deficient conditions referenced in 16-22.11.(a) and 16-22.11.(b) above are discovered to exist, the following action must be taken by the dental discharger:
   (1) Immediately cease any amalgam process wastewater discharges;
   (2) Correct the deficient condition(s);
   (3) Restore the amalgam process wastewater discharge;
   (4) Attempt to determine the duration of the deficient condition;
   (5) Notify the superintendent within 24 hours of discovering the deficient condition.

16-22.12 SEARCH WARRANTS

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from a Court of competent jurisdiction.

16-22.13 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, dental discharge permit applications, dental discharge permits, and monitoring programs, and from the Superintendent’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Dental discharge
constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
ADOPTED BY THE
HONORABLE MUNICIPAL COUNCIL
ON
FEBRUARY 10, 1942

AMENDMENTS THROUGH
APRIL 2019
CHAPTER 17
(AS AMENDED THROUGH APRIL 2019)
OF THE
REVISED ORDINANCES OF THE CITY OF ATTLEBORO
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City of Attleboro, Massachusetts
Zoning Ordinance, Through August 2018
SECTION 17–1.0
GENERAL

§17–1.1 TITLE AND PURPOSE

The following sections shall be known and may be cited as the “ZONING ORDINANCE OF THE CITY OF ATTLEBORO, MASSACHUSETTS.” The purpose of this ordinance is to promote the health, safety, and general welfare of the inhabitants of Attleboro, to facilitate the adequate provision of streets, water, schools and other requirements, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve the value of land and buildings, to encourage the most appropriate use of land throughout the City and to preserve and increase its amenities.

§17–1.2 AUTHORITY

This ordinance is adopted pursuant to the authority granted by the MGL Ch. 40A, THE ZONING ACT, as amended.

§17–1.3 INTERPRETATION

The provisions of this ordinance shall be interpreted to be the minimum requirements and are not intended to amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted ordinances, covenants, regulations or rules. Whenever the requirements of this ordinance differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

§17–1.4 MIXED USES

In cases of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used. Where mixed uses of the same space exist, the regulations and restrictions for all lawfully existing uses shall apply, but no use shall benefit from the lesser requirement for other uses.

§17–1.5 APPLICATION

Except as herein provided, the provisions of this ordinance shall apply to the erection, construction, reconstruction, relocation, alteration, or use of buildings, structures or land. This ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on this ordinance required by MGL Ch. 40A, §5, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of such public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction extension or structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure. Construction or operation under a building or special permit shall conform to any subsequent amendment of this ordinance unless the use or construction is commenced within six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
§17–1.6 Amendment

This ordinance may be amended in accordance with the provisions of the MGL Ch. 40A, §5, as amended. An amendment to this ordinance may be initiated by the submission to the Municipal Council of a proposed zoning amendment by the Municipal Council, the Board of Appeals, the Planning Board, by an individual owning land to be affected by said amendment, by ten registered voters of the City, by the Southeastern Regional Planning and Economic Development District (SRPEDD), or by other methods provided by the Attleboro Home Rule Charter.
SECTION 17–2.0
ESTABLISHMENT OF DISTRICTS

§17–2.1 DIVISION INTO ZONING DISTRICTS

The City of Attleboro, Massachusetts, is hereby divided into the following residential, business, and industrial zoning districts. They are grouped by general classification.

§17–2.1.1 ESTABLISHMENT OF RESIDENTIAL ZONING DISTRICTS

These residential zoning districts are established, and are intended to secure, for the persons who reside there, a comfortable, healthy, safe, and pleasant environment in which to live. Residential zoning districts, herein referred to as the “R” zoning districts, shall be designated as follows: Single Residence “SR” and General Residence “GR”.

A. Single Residential zoning districts, herein referred to as “SR” zoning districts, shall be designated as follows: Single Residence–A (“SR–A”), Single Residence–B (“SR–B”), Single Residence–C (“SR–C”), Single Residence–D (“SR–D”), and Single Residence–E (“SR–E”). Such zoning districts are established primarily to accommodate, as a matter–of–right, single–family detached residential uses at low to medium densities. Two–family dwellings are allowed by special permit in these zoning districts pursuant to the provisions of §17–10.6 OPEN SPACE RESIDENTIAL DEVELOPMENT – AFFORDABLE HOUSING and §17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENT – GREEN DESIGN.

B. General Residential zoning districts, herein referred to as “GR” zoning districts, shall be designated as follows: General Residence–A (“GR–A”), General Residence–B (“GR–B”), and General Residence–C (“GR–C”). Such zoning districts are established primarily to accommodate single–family detached and two–family residential uses, as a matter–of–right, and multi–family residential uses, pursuant to the provision of §17–9.0 SPECIAL PERMITS, at medium to high densities. Multi–family dwellings are allowed by–right in these zoning districts pursuant to the provisions of §17–10.5 OPEN SPACE RESIDENTIAL DEVELOPMENT – STANDARD DESIGN. Multi–family dwellings are allowed by special permit in these zoning districts pursuant to the provisions of §17–10.6 OPEN SPACE RESIDENTIAL DEVELOPMENT – AFFORDABLE HOUSING and §17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENT – GREEN DESIGN.

§17–2.1.2 ESTABLISHMENT OF BUSINESS ZONING DISTRICTS

These business zoning districts are established to accommodate commercial and business and related complementary uses within the objectives set forth in the ZONING ORDINANCE. Business zoning districts, herein referred to as “B” zoning districts, shall be designated as follows: Central Business (“CB”), Transit Oriented Development (“TOD”), General Business (“GB”), and Planned Highway Business (“PHB”).

A. The “CB” zoning district is established to accommodate a wide variety of commercial uses as well as mixed–use and residential uses, which will result in an intensive use of the City’s central business district.

B. The “TOD” zoning district is established to accommodate a compact and very highly intensive mix of residential, retail, office, civic/entertainment, and institutional uses, and to promote the creation and retention of uses in areas with high potential for enhanced mass transit and pedestrian activity with less reliance on the automobile.
C. The “GB” zoning district is established to accommodate commercial development on a scale that is somewhat less intensive than that permitted in the “CB” zoning district. Such is achieved through setback, height, and minimum lot size regulations, which are slightly more restrictive than those applicable to the “CB” zoning district. The types of uses permissible in the “GB” zoning district are generally similar to those permissible in the “CB” zoning district.

D. The “PHB” zoning district is established to accommodate large scale business activities, such as shopping centers, which draw business primarily from the interstate highway.

§17-2.1.3 ESTATEMENT OF INDUSTRIAL ZONING DISTRICTS

These industrial zoning districts are established to accommodate industrial and business activities within the objectives set forth in the ZONING ORDINANCE. Industrial zoning districts, herein referred to as the “I” zoning district, shall be designated as follows: Industrial “I” and Industrial Business Park “IBP”.

A. The “I” zoning district is established to accommodate: (a) enterprises engaged in the manufacturing, processing, repairing, packaging, assembling, storing, merchandising of goods and commodities, and other similar uses that are deemed within the prescribed range of activities contained herein, (b) compatible non–residential enterprises engaged in the medical/healthcare sector of the economy, and (c) compatible non–residential enterprises engaged in marijuana businesses including, but not limited to research, testing, growing, cultivating, manufacturing, processing, packaging, distributing, and retail and wholesale sales of marijuana and marijuana–based related products.

B. The “IBP” zoning district is established to accommodate, encourage, attract, and concentrate environmentally sound “I” and “B” development in a park–like setting, to provide flexibility for an attractive, efficient, and economical design of an industrial business park, to encourage ingenuity and originality in site design, to provide a protective zone, and to ensure compatibility between the land uses within the park and the environment through performance standards. The provisions set forth herein are established to: (a) provide a healthful operating environment for industry and business, (b) protect land uses within the park from the encroachment of other incompatible uses adverse to the operation and expansion of such land uses, (c) reduce, to a minimum, the impact of “IBP” on surrounding uses and to the development of properties adjacent to the park, (d) protect the health and safety of both workers and residents in the area, (e) dissuade business or industry which depends, targets, or generates residential traffic as its primary source of business, and (f) compatible non–residential enterprises engaged in marijuana businesses including, but not limited to research, testing, growing, cultivating, manufacturing, processing, packaging, distributing, and retail and wholesale sales of marijuana and marijuana–based related products.

§17-2.2 ZONING MAP

The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled “Zoning Map of the City of Attleboro, Massachusetts”, dated December 20, 1976, which is hereby adopted by reference and declared to be part of this ordinance. The zoning map shall be identified by the signature of the Mayor, attested by the City Clerk and shall bear the seal of the City under the following words: This is to certify that this is the zoning map of the City of Attleboro, Massachusetts, referred to in the ZONING ORDINANCE of the City of Attleboro, Massachusetts, which was adopted by the Municipal Council on December 20, 1976.

§17-2.3 ZONING MAP REVISIONS

The original zoning map shall be held in the custody of the City Clerk, who shall provide certified copies of the map for use by the Inspector of Buildings, Planning Board and other city officials and agencies, and shall deliver reduced or full–size copies to the public. Whenever a revision of the designation, location, or boundaries of zoning districts becomes necessary as a result of an amendment to this ZONING ORDINANCE by the Attleboro Municipal Council, the City Clerk shall provide for such revision to be indicated on the zoning map within thirty (30) days of the effective date of the amendment, but no delay in updating the zoning map shall affect the validity and application of such amendment. Streets and other geographical features may be added to the zoning map from time to time to facilitate orientation, but no map alteration having the effect of changing the designation, location or boundaries of zoning districts shall be made, or shall be valid except as provided for by amendment to this ordinance.

City of Attleboro, Zoning Ordinance
§17–2.4 District Boundaries

Where any uncertainty exists with respect to the boundary of any zoning district, as shown on the Zoning Map, the following rules shall apply:

A. Where a boundary is indicated as a street, railroad, power line, watercourse or other body of water, it shall be construed to be the centerline or middle thereof; or where such boundary approximates a City boundary, then to the limits of the City boundary.

B. Where a boundary is indicated as following approximately parallel to a street, railroad, power line, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the zoning map. If no distance is given, such distance shall be determined by the use of the scale shown on the zoning map.

C. Whenever any dispute arises on zoning district boundaries as to the exact location of a district boundary line, the Board of Appeals shall determine the location of such line.
## Section 17–3.0

**USE REGULATIONS**

### §17–3.1 Use Designations

In §17–3.4 Table of Use Regulations, the letter “P” designates the uses permitted by right in the district. Those uses that may be permitted in the district by special permit from the Board of Appeals are designated by the letter “S”. Those uses that may be permitted in the district by special permit from the Planning Board are designated by the letters “SPB”. Those uses that may be permitted in the district by special permit from the Municipal Council are designated by the letters “SMC”. Uses designated by the letter “N” are not permitted in the district. Other uses not specified in §17–3.4 Table of Use Regulations shall be deemed to be not permitted, provided however that such uses found by the Board of Appeals to be consistent with the general purpose and range of permitted uses in any district may be allowed therein by special permit.

### §17–3.2 Uses Subject to Other Regulations

Uses permitted by–right or special permit shall be subject, in addition to use regulations, to all other provisions of the Revised Ordinances of the City of Attleboro, as amended.

### §17–3.3 Prohibited Uses

Any use, whether or not specifically or generically identified elsewhere, that is significantly hazardous, offensive or detrimental to surrounding properties by reason of excessive glare, odor, noise, fumes, smoke, vibration, electric or electronic interference, radiation, pollution of air or water, danger of explosion or fire or for any other similar reason, shall be prohibited.

### §17–3.4 Table of Use Regulations

<table>
<thead>
<tr>
<th>PRINCIPAL USES – RESIDENTIAL</th>
<th>RESIDENTIAL</th>
<th>BUSINESS</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1. One–Family Detached Dwellings</td>
<td>P</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>2. Two–Family Dwellings</td>
<td>P</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>3. Multi–Family Dwellings</td>
<td>S</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>4. Lodging House or Guest House</td>
<td>S</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>5. Conversion of Existing Dwellings to Two–Family Dwellings&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>6. Conversion of Existing Dwellings to Multi–Family Dwellings&lt;sup&gt;1&lt;/sup&gt;</td>
<td>S</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>7. Mixed Residential/Business uses whereby all dwelling units are above the first floor level and the business use is permitted by–right or is allowed by special permit…..</td>
<td>S</td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>8. Downtown Residential Cluster Dwellings whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by–right…</td>
<td>N</td>
<td></td>
<td>S</td>
</tr>
</tbody>
</table>

<sup>1</sup> When a special permit is required, the building to be so used must have been in existence prior to February 10, 1942, and must have a gross floor area of 2,400 square feet or more.
## PRINCIPAL USES – COMMUNITY FACILITIES

<table>
<thead>
<tr>
<th></th>
<th>RESIDENTIAL</th>
<th>BUSINESS</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1.</td>
<td>Church and other Religious Purpose</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2.</td>
<td>Educational Purpose that are Religious, Sectarian, Denominational, or public in nature or those of a Non–Profit Educational Corporation</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3.</td>
<td>Private School, College or University (not included in use #2 above)</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>4a.</td>
<td>Family Day Care Home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>4b.</td>
<td>Group Day Care Center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>5.</td>
<td>Membership Club (Non–Profit)</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>6.</td>
<td>Country, Fishing, Tennis or Golf Club</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>9.</td>
<td>Sportsplex/Sports Complex, Indoor</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>10.</td>
<td>Cemetery</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>11a.</td>
<td>Office for no more than one Medical Doctor or Dentist</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>11b.</td>
<td>Professional Medical/Dental Office or Building</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>11c.</td>
<td>Marijuana Business</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>12a.</td>
<td>Hospital, Nursing Home</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>12b.</td>
<td>Health Care Facility</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>12c.</td>
<td>Hospital Related Services</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>13.</td>
<td>Veterinary Hospital</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>14.</td>
<td>Municipal Off–Street Parking Lot</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>15.</td>
<td>Historical Society</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>17.</td>
<td>Sanitary Landfill</td>
<td>SPB</td>
<td>N</td>
</tr>
<tr>
<td>18.</td>
<td>Street, Bridge, Tunnel, Railroad Lines</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>19.</td>
<td>Private Utility Overhead High Voltage Transmission Line, Substation or Similar Facility or Building</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>20.</td>
<td>Indoor storage in a municipal building of items use in connection with the educational, recreational, athletic and municipal programs, such as equipment, books records, and supplies. The supplies and equipment shall not include any toxic, hazardous material, whether liquid, solid or gaseous, vehicles, trucks or any other type of gasoline–powered machine</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

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*City of Attleboro, Zoning Ordinance*
### PRINCIPAL USES – AGRICULTURE

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Business</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1.</td>
<td>Agriculture, Horticulture, Floriculture and/or Greenhouse on parcels of</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. fewer than five acres</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>b. more than five acres</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>2.</td>
<td>Year-Round Stand for Wholesale and Retail Sale of Agriculture or Farm Products</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>3.</td>
<td>Commercial Kennel</td>
<td>N</td>
<td>S</td>
</tr>
<tr>
<td>4.</td>
<td>Commercial Stable or Livestock Farm in which all animals are completely enclosed in pens or other structures</td>
<td>N</td>
<td>S</td>
</tr>
</tbody>
</table>

### PRINCIPAL USES – RETAIL, SERVICE, COMMERCIAL

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Business</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1.</td>
<td>Retail Establishment Selling Principally Convenience Goods including but not limited to food, drugs and proprietary goods</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2.</td>
<td>Retail Establishment Selling General Merchandise</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>3.</td>
<td>Eating and Drinking Places where consumption is primarily intended to be within the building</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>4.</td>
<td>Drive–In Eating and Drinking Establishments</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>5.</td>
<td>Sales by Vending Machines as a principal use</td>
<td>N</td>
<td>S</td>
</tr>
<tr>
<td>6.</td>
<td>Craft Brewery</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>7.</td>
<td>Brewpub</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>8.</td>
<td>Winery, Micro</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>9a.</td>
<td>Establishments Selling Automobiles, Trucks, Boats, Motorcycles, Trailers and Farm Implements</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>9b.</td>
<td>Sale of Second Hand Motor Vehicles</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>10a.</td>
<td>Hotels</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>10b.</td>
<td>Motels</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>11.</td>
<td>Repair and Service Businesses serving local needs such as barber shops, beauty shops, shoe repair, and self–service laundry</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>12.</td>
<td>Funeral Establishment</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>13.</td>
<td>Professional Business Office, including but not limited to Banking, Insurance, Real Estate, Legal or Engineering</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>14.</td>
<td>Membership Club Operated for Profit</td>
<td>N</td>
<td>S</td>
</tr>
<tr>
<td>15a.</td>
<td>Automobile Service Station and Rental Establishments</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>15b.</td>
<td>Automobile Body Shop and/or Facility for major repairs provided that all work is carried out inside the building</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>16.</td>
<td>Car Washing Establishment</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>17.</td>
<td>Miscellaneous Business and Repair Services</td>
<td>N</td>
<td>S</td>
</tr>
<tr>
<td>18.</td>
<td>Self–Storage and Mini–Storage</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>19.</td>
<td>Craft Shop and Building Trade</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>20.</td>
<td>Physical Fitness/Workout Gymnasium</td>
<td>N</td>
<td>P</td>
</tr>
</tbody>
</table>

2 Such uses in the “TOD” zoning district may also include commercial uses such as personal service needs, coffee shop, and convenience store.

3 Such use in the “IBP” zoning district may also include commercial uses such as personal service needs, coffee shop, and convenience store provided that not more than 20% of the gross floor space of the building is devoted to such commercial use(s).
22. Junkyards (enclosed by a 6 foot solid fence) and
   Automobile Salvage Yards

23. Amusement Parks

24. Amusement Arcade

25. Indoor Theater or Auditorium

26. Telephone Exchange

27. Wireless Telecommunications Tower/Facility

28. Communication and Television Tower

29a. Commercial Parking Lot

29b. Public Garage

30. Flea Market

31. Adult Bookstore

32. Adult Motion Picture Theatre

33. Adult Paraphernalia Store

34. Adult Video Store

35. Adult Cabaret

---

### PRINCIPAL USES – WHOLESALE, TRANSPORTATION AND INDUSTRIAL

<table>
<thead>
<tr>
<th>PRINCIPAL USES – WHOLESALE, TRANSPORTATION AND INDUSTRIAL</th>
<th>RESIDENTIAL</th>
<th>BUSINESS</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1. Processing and Treating of Raw Materials</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>2. Construction Industry Including Suppliers</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>3. Heavy Manufacturing, Assembling and/or Processing</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>of Manufactured Products</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>4. Light Manufacturing, Assembling and/or Processing</td>
<td>N</td>
<td>N</td>
<td>S</td>
</tr>
<tr>
<td>of Manufactured Products</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>5. Bakery, Laundry, Dairy Processing, Dry Cleaning Plant</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>6. Newspaper and/or Printing Plant</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
<tr>
<td>7. Motor Freight Terminal and Warehousing</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>8a. Bus, Taxi, Rail Station</td>
<td>N</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>8b. Bus, Taxi, Rail Terminal and/or Maintenance Facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>9. Open Storage of Raw Materials, Finished Goods, or</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Construction Equipment and Structures for storing such</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>equipment, provided such shall be screened from outside</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>view by an enclosed fence and gate at least six (6’) feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in height, or a solid wall of evergreens to be of vertical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>habit and to be maintained, and a solid gate at least</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>six (6’) feet in height and not more than</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>twenty (20’) feet in width</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Storage of Fluid Other than water as a principal use</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>(for example oil, gas, chemicals)</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>11. Research and Development Facilities</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>12. Heliport/Helicopter Landing Site</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>13a. Power Plant (generating energy by any means/process</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>other than by gasification)</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>13b. Refuse Incineration Facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>
14a. Hazardous Waste Facility……………………………………………… N  N  N  N  N  N  N  N
14b. Low–Level Radioactive Waste Facility…………………………… N  N  N  N  N  N  N  N
14c. Gasification Facility…………………………………………………… N  N  N  N  N  N  N  N
15. Bituminous Concrete/Asphalt Plant………………………………… N  N  N  N  N  N  S  N
16. Concrete Plant………………………………………………………… N  N  N  N  N  N  S  N

§17–3.5 TABLE OF ACCESSORY USE REGULATIONS

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>RESIDENTIAL</th>
<th>BUSINESS</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GR</td>
<td>SR</td>
<td>CB</td>
</tr>
<tr>
<td>1. Removal of Sand, Gravel, or other Raw Materials (see §17–10.2)</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>2a. Raising and Keeping of Livestock and Horses not for Commercial Use</td>
<td>S</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>2b. Raising and Keeping six (6) or fewer Poultry not for Commercial Use for One–Family, Two–Family, and Three–Family Dwellings exceeding three (3) attached dwelling units</td>
<td>P</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>2c. Raising and Keeping six (6) or fewer Poultry not for Commercial Use for Multi–Family Attached Dwellings exceeding three (3) attached dwelling units</td>
<td>S</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>2d. Raising and Keeping more than six (6) Poultry not for Commercial Use</td>
<td>S</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>3. Temporary stand for retail sale of agricultural or farm products raised on the same premises (not to be used for a period of more than 3 months in any one year)</td>
<td>P</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>4. Accessory Residential Building such as private garage playhouse, green house, tool shed, private swimming pool, skating rink, tennis court, carport or similar accessory structure (subject to provisions of §17–4.0)</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>5. Heliport Landing Site Accessory to Permitted Use</td>
<td>SMC</td>
<td>SMC</td>
<td>SMC</td>
</tr>
<tr>
<td>6. Community Garage or Off–Street Parking Area for three (3) or more non–commercial motor vehicles</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>7. Storage or Garaging of one or more commercial vehicles</td>
<td>S</td>
<td>S</td>
<td>P</td>
</tr>
<tr>
<td>8. Home Occupation</td>
<td>S</td>
<td>S</td>
<td>N</td>
</tr>
<tr>
<td>9. Driveway</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>a. serving residential use</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>b. serving commercial or industrial use</td>
<td>S</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>10. Accessory Storage of Trailer, Boat, Utility Trailer, or Boat Trailer provided such shall either be stored within a principal or accessory building or behind the building line within the side or rear yards and shall not be used for dwelling or sleeping purposes</td>
<td>P</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>11. Accessory Office activity related to a permitted principal use under §17–3.4 WHOLESALE, TRANSPORTATION AND INDUSTRIAL</td>
<td>N</td>
<td>N</td>
<td>P</td>
</tr>
</tbody>
</table>

Chicks and ducklings are not counted towards the threshold.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Accessory Indoor Repair and Storage Facilities in any retail sales or consumer establishment provided such shall not occupy more than twenty-five (25%) percent of the gross floor area and shall not be located within fifteen (15') feet of any entrance used by the public.</td>
</tr>
<tr>
<td>13.</td>
<td>Accessory outside storage in a covered structure clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or business use, provided it shall be screened from outside view pursuant to the requirements of §17-4.4.4(A) Description of Screens.</td>
</tr>
<tr>
<td>14.</td>
<td>Light Manufacturing Use.</td>
</tr>
<tr>
<td>15.</td>
<td>Retail or Consumer Service used in a multi-family dwelling over 20,000 square feet in gross floor area, provided all activities are located on the first floor level and do not exceed twenty (20%) percent of the total gross floor area of the street level. All materials goods and activities in connection with said uses shall be confined completely within building.</td>
</tr>
<tr>
<td>16a.</td>
<td>News–Stand, Barber Shop, Dining Room or Cafeteria, and similar accessory services primarily for occupants or users thereof within an office or industrial building, a hotel or hospital containing more than fifty (50) sleeping rooms, or transportation terminal facility.</td>
</tr>
<tr>
<td>16b.</td>
<td>Retail establishment selling principally commercial goods including but not limited to food, drugs, and convenience items including vending machines, ATMs, and stamp dispensing machines. In the “IBP” district, such goods are intended to service the needs of employees and businesses within the district and are not primarily intended to draw traffic from areas outside the “IBP” district.</td>
</tr>
<tr>
<td>17.</td>
<td>Wall, Fence or Similar Enclosure provided for front yard restrictions.</td>
</tr>
<tr>
<td>18.</td>
<td>Up to three (3) lodging units in an existing dwelling, provided the exterior of the structure is not altered.</td>
</tr>
<tr>
<td>19.</td>
<td>Accessory Storage of a fluid other than water or ordinary household or building heating fuel, or any substance covered by the licensing requirements of §9–27.</td>
</tr>
<tr>
<td>20.</td>
<td>Accessory Signs.</td>
</tr>
<tr>
<td>21a.</td>
<td>Off–Street Parking and Loading Spaces in a zoning district same as the principal use.</td>
</tr>
<tr>
<td>21b.</td>
<td>Off–Street Parking and Loading Spaces in a zoning district different from the principal use.</td>
</tr>
<tr>
<td>22.</td>
<td>Radio and/or Television Towers.</td>
</tr>
<tr>
<td>23.</td>
<td>Drive–Up Window for the sale of goods or the transacting of business.</td>
</tr>
<tr>
<td>24.</td>
<td>Yard Sales (subject to the provisions of §17–14).</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>25.</td>
<td>Private Kennel</td>
</tr>
<tr>
<td>26.</td>
<td>Commercial Kennel</td>
</tr>
<tr>
<td>27.</td>
<td>Small Wind Energy Systems</td>
</tr>
<tr>
<td>28.</td>
<td>Bituminous Concrete/Asphalt Plant</td>
</tr>
<tr>
<td>29.</td>
<td>Concrete Plant</td>
</tr>
</tbody>
</table>

5 When pre-existing, non-conforming residential uses, as established by §17–6.1 NON–CONFORMITY BY INITIAL ENACTMENT OR AMENDMENTS, are located in any “B” or “I” use district, private kennels shall be permitted as an accessory use to such residential uses as a matter–of–right and commercial kennels may be permitted as an accessory use to such residential uses by special permit.
SECTION 17–4.0
DIMENSIONAL & DENSITY REGULATIONS

§17–4.1 APPLICABILITY OF DIMENSIONAL AND DENSITY REGULATIONS

Except for the “TOD” district, the regulations for each district pertaining to minimum lot area, width and depth, minimum front, side and rear yards, maximum height of buildings and structures, maximum number of stories, maximum building area and maximum floor area ratio shall be as specified in this section and set forth in §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS and subject to the further provisions of this ordinance. The regulations for the “TOD” district pertaining to lot area, width and depth, front, side and rear yards, height of buildings and structures, number of stories, building area and floor area ratio shall be as specified in §17–10.16 TRANSIT ORIENTED DEVELOPMENT and subject to the further provisions of this ordinance.

§17–4.2 MINIMUM LOT FRONTAGE

In “GR” and “SR” zoning districts, minimum lot frontage shall be fifty (50’) feet for one, two or multifamily dwellings and the same as the minimum lot width for other permitted principal structures.

§17–4.3 SEPARATION OF LOTS

Except by eminent domain taking, lots shall not be reduced, separated or transferred in ownership so as to bring about non-compliance with the provisions of this ordinance; provided, however, that any lot which contained two or more residential dwellings under a common ownership at the effective date of this ZONING ORDINANCE (February 10, 1942) may be divided so that a separate lot is created for each such dwelling. A plan, acceptable for recording in the Registry of Deeds, showing the proposed division of said lot shall be approved by the Planning Board if it is found to be reasonable under the existing conditions. After voting approval, a majority of the members of the Planning Board shall sign the approved plan to indicate compliance with this provision.

§17–4.4 SCREENING AND BUFFERS

§17–4.4.1 PURPOSE

The provisions of this section are to ensure proper separation, visual or otherwise, between the proposed and existing land uses.

§17–4.4.2 ADMINISTRATION

A. The contents of §17–4.4.3 COMPLIANCE WITH SCREENING STANDARDS establishes screening and buffer yard standards, which satisfy the general purposes, established in §17–4.4.1 PURPOSE. As they are intended to establish a guideline, they may be flexibly administered. Due to peculiarities of any given proposal, and as there are a variety of types of land uses and the relationships between them, the application of the regulations herein may result in, for example, a use with either ineffective, insufficient, or excessive screening. Therefore, the Board of Appeals may permit variations by special permit, and thereby may require more intensive or allow less intensive screening. Without limiting the generality of §17–4.4.2 ADMINISTRATION, the Board of Appeals may allow variations from the regulations herein by modifying standards if it finds that such departure is more likely to satisfy the intent set forth herein.
B. Whenever the Board of Appeals allows, or requires, a variation from a standard set forth herein, it shall specifically reference, in the special permit, the requirements that it imposes and also state the reason(s) for allowing, or requiring, such variation.

§17–4.4.3 COMPLIANCE WITH SCREENING STANDARDS

A. The contents of §17–4.4.4 DESCRIPTION OF SCREENS indicates the type of screening which satisfactorily creates visual separation between land uses. Where such screening is required, the proposed use is obligated to install any required screening and/or buffer.

B. All landscaped areas shall be properly maintained. Shrubs or trees that die shall be replaced within one growing season.

§17–4.4.4 DESCRIPTION OF SCREENS

The following types of screens are predicated on height, plant material, density, and land forms. In cases of extreme disparities between, or among, adjacent land uses, structural buffer yards, such as walls or earthen berms may be required. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque during all seasons of the year. At maturity, the portion of intermittent visual obstruction cannot contain any completely unobstructed openings of more than three (3') feet wide.

A. Type “A” – Opaque Screen: A screen which is opaque from the ground to a minimum height of eight (8') feet, with intermittent visual obstructions from the opaque portion to a height of fifteen (15') feet located in the required front, side and rear yards. The opaque screen is intended to obstruct visual contact of a particular land use, from the street grade at a distance no farther than seven (7') feet from the screen. The opaque portion of the screen may be composed of a wall, opaque fence, earthen berm landscaped with thickly planted vegetation, or a row of dense evergreens.

B. Type “B” – SemiOpaque Screen: A screen which is opaque from the ground to a minimum height of three and one-half (3.5') feet, with intermittent visual obstruction from the above the opaque portion to a height of six (6') feet located in the required front, side and rear yards. The semi–opaque screen is intended to partially block visual contact between uses and to create an impression of the separation of spaces. The semi–opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation.

C. Type “C” – Broken Screen: A screen composed of intermittent visual obstructions from the ground to a height of four (4') feet located in the required front, side and rear yards. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a rail or chain link fence or planted vegetation.

§17–4.4.5 REQUIRED SCREENS AND BUFFER YARDS

Notwithstanding the setback provisions contained in §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, the following buffer yard requirements shall prevail as they apply.

A. Any use within a “B” and “I” zoning district which is not permitted in any bordering “GR” or “SR” zoning district shall be separated from such “GR” and/or “SR” zoning district by a twenty–five (25') foot wide buffer yard to be located in the required side or rear yard. A Type “A” screen shall be installed within the buffer yard.
B. All uses within the “IBP” district bordering a “GR” or “SR” zoning district shall be separated by a two hundred (200’) foot buffer yard along the zone line. A Type “A” screen shall also be installed no farther than twenty-five (25’) feet from the zone line. In instances when a use within an “IBP” zoning district would be established across the street from a “GR” or “SR” zoning district, the two hundred (200’) foot buffer yard shall prevail, while the screen may consist of a Type “B” screen.

C. Any use regulated by special permit in a “GR” which is not permitted in any bordering “SR” zoning district shall be separated by a twenty-five (25’) foot wide buffer yard to be located in the side and/or rear yard. A Type “C” screen shall be installed within the buffer yard.

D. Dumpsters shall be screened by suitable types of screenings including opaque wood fences and dense evergreen hedges of six (6’) feet in height.

E. Accessory use #14 shall pursuant to §17–3.5 TABLE OF ACCESSORY USE REGULATIONS shall be screened by an enclosed solid fence or wall at least six (6’) feet in height, with a gate, or enclosed by a “Type–A: Opaque Screen” pursuant to §17–4.4.4(A) DESCRIPTION OF SCREENS.

§17–4.5 ACCESSORY STRUCTURES

A. For the purpose of this ordinance, an “accessory structure” shall be a detached structure, the use of which is customarily incidental and subordinate to that of the principal structure, and which is located on the same lot as that occupied by the principal structure.

B. In all zoning districts, an accessory structure attached to the principal structure shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal structure.

C. The following accessory structures shall not be subject to the dimensional requirements of §17–4.5(D) ACCESSORY STRUCTURES and §17–4.5(I) ACCESSORY STRUCTURES – fences, walls, tunnels, bridges, trestles, piers, wharfs and temporary structures in place for not more than thirty (30) days.

D. Except as provided in subsection §17–4.5(C) ACCESSORY STRUCTURES, detached permitted accessory structures in the “B” and “I” districts shall be located on the lots so as not to violate the minimum front yard and height restrictions set forth in §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS.

E. A temporary outdoor storage container shall be properly maintained so as not to create a safety hazard to abutting properties, motorists, or to the general public. A safety hazard shall be defined such as a structural deficiency or a visual obstruction that may cause an injury to a member of the general public.

F. A temporary outdoor storage container may remain on any lot within any “R” zoning district for a period not more than one hundred and eighty (180) consecutive days.

G. Not more than one (1) temporary outdoor storage container shall be placed on any lot within any “R” zoning district at any time without first obtaining the written consent of the Building Commissioner.

H. Sheds in the “GR–C”, “SR–C”, “SR–D” and “SR–E” zoning districts shall be exempt from the requisite minimum side yard and rear yard provisions set forth in the schedule in §17–4.5(I) ACCESSORY STRUCTURES provided that:

1. the purpose of such sheds is only the storage of items and wares that are customary to residential uses, including but not limited to, garden supplies, pool equipment, lawn furniture, lawn care equipment, tools, ladders, and fuel stored in containers approved by the State Fire Marshal;
2. such sheds contain a maximum floor area of two hundred (200) square feet and have a maximum roof height of twelve (12') feet;

3. such sheds have grade support; and

4. such sheds maintain a minimum of four (4') foot side and rear yard setback;

I. Except as provided in subsection §17–4.5(C) ACCESSORY STRUCTURES and §17–4.5(H) ACCESSORY STRUCTURES, a detached permitted accessory structure in the “GR” and “SR” zoning districts shall conform to the provisions set forth in the following schedule:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Coverage (percent of rear yard area)</th>
<th>Distance from Lot Line Front / Side / Rear</th>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR–A</td>
<td>50%</td>
<td>30' / 4' / 4'</td>
<td>20'</td>
</tr>
<tr>
<td>GR–B</td>
<td>50%</td>
<td>30' / 4' / 4'</td>
<td>20'</td>
</tr>
<tr>
<td>GR–C</td>
<td>30%</td>
<td>30’ / 15’ / 15’</td>
<td>20’</td>
</tr>
<tr>
<td>SR–A</td>
<td>50%</td>
<td>30’ / 4’ / 4’</td>
<td>20’</td>
</tr>
<tr>
<td>SR–B</td>
<td>30%</td>
<td>30’ / 4’ / 4’</td>
<td>20’</td>
</tr>
<tr>
<td>SR–C</td>
<td>20%</td>
<td>30’ / 15’ / 15’</td>
<td>30’</td>
</tr>
<tr>
<td>SR–D</td>
<td>10%</td>
<td>30’ / 15’ / 15’</td>
<td>30’</td>
</tr>
<tr>
<td>SR–E</td>
<td>10%</td>
<td>30’ / 15’ / 15’</td>
<td>30’</td>
</tr>
</tbody>
</table>

§17–4.6 OTHER GENERAL DIMENSIONAL AND DENSITY PROVISIONS

A. The height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights. Except for business or industrial development, open space residential developments, community facilities, public utilities, and uses controlled by special permit procedures, no more than one principal building shall be permitted on a lot.

B. On a lot having frontage on more than one street, there shall be a setback depth required which is equal to the front yard depth for the district in which each street frontage is located.

C. Projections into required yards are not permitted except as follows:

1. Balcony or bay window may project up to two (2') feet into a required yard provided the projection is limited in total length to one–half the length of the building face.

2. Decks, steps, stoops, window sills, chimneys, roof eaves, fire escapes, awnings, or similar architectural features may project not more than five (5') feet into the required yard setback.

3. A bus shelter structure located on a site approved in accordance with §9–9.4 BUS of Chapter 9 of THE REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, may be constructed within the front yard setback requirement provided that the Building Inspector finds that such structure: (a) will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street, and (b) will not restrict visibility in such a way as to hinder the safe passage of vehicles through an intersection if such structure is located on a corner lot abutting the intersection of two or more streets.
D. The provisions of this ordinance governing, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above the roof, nor to domes, towers, stacks or spires, if not used for human occupancy, and if not occupying more than twenty (20%) percent of the ground floor area of the building; nor to ornamental towers, observation towers, television towers, televisions and radio antenna, and other like structures, which do not occupy more than twenty (20%) percent of the lot area.

E. The minimum lot width as required by §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS shall not apply to lots on a cul-de-sac which can be shown to contain a minimum of fifty (50') feet of frontage, and a square measuring one hundred and twenty (120') feet by one hundred and twenty (120') feet, the nearest part of which is within two hundred (200') feet of the street lot line, and provided, however, that at no point between the street lot line and the said square is the distance between the side lot line less than the required frontage (see figure entitled “Lot Width Exception” for explanation only).

F. Nothing contained in this section shall prohibit the erection or placing of any permitted building on any lot containing less than the minimum required area, but at least five (5,000) thousand square feet and fifty (50') feet of frontage, if such lot did not, on the effective date of Attleboro’s ZONING ORDINANCE (February 10, 1942) adjoin other land of the same owner available for use in connection with said lot.
“LOT WIDTH EXCEPTION”

Diagram

Minimum 50 Feet of Lot Width

Lot

Minimum 50 Feet of Lot Frontage Measured Along the Curve

Street

Maximum Distance of 200 Feet

Turnaround Portion of Cul-de-Sac

120 Feet

120 FEET

90°

90°

Lot

Diagram

Minimum 50 Feet of Lot Width

Lot

Maximum Distance of 200 Feet

Turnaround Portion of Cul-de-Sac

120 Feet

120 FEET

90°

90°
§17–4.7 FENCES

A. For the purposes of this ordinance, a “fence” shall be defined as a structure serving as an enclosure, barrier or boundary usually made of posts, boards, wire, stakes or rails, but not limited thereto. All structural posts, supports, rails or the like, shall be located on the side of the structure towards the applicant’s property. In the case where a permit is not required, all new and replacement fencing shall meet the requirements listed above.

B. No fence over eight (8’) feet in height shall be constructed without first obtaining a special permit from the Zoning Board of Appeals.

C. All fences over two and one-half (2.5’) feet in height from grade erected within eight (8’) feet of any lot line (front, side and rear) shall require a building permit. All applications for said permits shall be filed with the Inspector of Buildings, who shall cause a notice of intent to construct said fence to be published in a newspaper of general circulation in the city, and shall notify abutters of said intent by postage paid letter. Ten (10) days after said publication and notice to abutters, the Inspector of Buildings may issue a permit for said fence. The building permit application shall be submitted with:

1. a sketch, picture, or design of the proposed fence,
2. a description of materials to be used,
3. a specification of the proposed fence height, and
4. a site plan depicting lot lines and bounds adjacent to the proposed fence, including markers of the boundaries of the lot placed in the field;

A fence not more than eight (8’) feet in height, located entirely on the applicant’s property, and not creating a traffic or safety hazard, shall be permitted by right. The decision of the Inspector of Buildings to issue a fence permit may be appealed to the Zoning Board of Appeals in accordance with the provisions of §17–8.8 APPEALS. The Building Inspector shall cause a notice of intent to construct said fence to be published in a newspaper of general circulation in the City and shall notify abutter of said intent by postage paid letter (see §3–8.1 MISCELLANEOUS for the advertising fee).

D. No hedge or other vegetation over three (3’) feet in height above the adjacent ground shall be maintained within eight (8’) feet of any street lot line unless the Building Inspector finds that such vegetation will not restrict visibility in such a way to hinder the safe entry of a vehicle from any driveway to the street.

E. At no street intersection in any district shall an obstruction to vision exceeding two and one-half (2.5’) feet in height above the street grade be placed or permitted to grow on any lot within the triangle formed by the street lot lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five (35’) feet from the point of intersection of the street lot lines.

F. All outdoor swimming pools now in existence or hereafter erected shall be enclosed by an impassable fence, not less than four (4’) feet in height, with a latching gate, or an equivalent enclosure or means of protection from access to the pool.

G. All fences shall be properly maintained so as not to create a safety hazard to abutting properties or to the general public. A safety hazard shall be defined as a structural deficiency or any sharp protruding object that may injure or maim a member of the general public.
§17–4.8 PERFORMANCE AND DESIGN STANDARDS – IBP

Uses within the “IBP” zoning district shall adhere with the following performance and design standards. It is their intent to prevent the use of land or buildings from being used, or occupied, in any manner so as to create dangerous, injurious, explosive, radioactive, or other hazardous condition, noise, vibration, unsightliness, or excessive emission of smoke, dust, fumes, toxic gases, odors or other form of air pollution, electrical or other disturbance, glare or heat, liquid or solid waste, condition or element in a manner or amount so as to adversely affect the occupants of the industrial park or surrounding natural or human environment. The following are standards of operation for the normal daily function of uses within an “IBP” to achieve a maximum of coordination between uses in an “IBP” and surrounding uses.

A. Noise: The following limits are intended for normal continuous day-to-day operations. In general, all noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency, or shrillness. A variance to exceed these limits by a reasonable amount may be granted for temporary and short-term operations during maintenance, or emergency conditions. Sound pressure level, which shall be measured at a height of four (4') feet above the ground, shall be measured with a sound level meter and an octave band analyzer meeting the standards of the American Standards Association.

1. The following sound pressure level standards shall not apply to a non-continuous, irregular, or infrequent intermittent source of sound, produced by, for example, a church bell or civil defense siren.

2. The maximum permissible sound pressure level produced by any use or activity, and radiated continuously, regularly, or frequently, shall not exceed ten (10) decibels above the background noise of adjacent land uses between the hours of 7:00 a.m. and 10:00 p.m. at the property line of the sound source.

3. The maximum permissible sound pressure level produced by any use or activity, and radiated continuously, regularly, or frequently, between the hours of 10:00 p.m. and 7:00 a.m., shall not exceed, at the property line of the sound source, the values in §17–4.8(A) TABLE OF SOUND PRESSURE STANDARDS in any octave band of frequency.

B. Vibration: No vibration shall be produced, which is transmitted though the ground and is discernible without the aid of either seismic or electronic vibration measuring equipment at or at any point beyond the lot line, during the normal daily activity associated with a use or activity.

C. Air Quality: Atmospheric emissions of gaseous or particulate matter, generated by any use or activity, shall conform to the then current local, state, and federal regulations. If the proposed use or activity is of a nature to arouse the concern, the petitioner may be required to produce plans and specifications of detail sufficient for review.

D. Water Quality: No use within an “IBP” shall discharge into a sewer system, stream, or ground, any material in such a way, nature, or temperature, which can contaminate any watercourse, water supply, or otherwise cause the emission of dangerous or objectionable elements or cause the accumulation of wastes conducive to the breeding of rodents or insects, or otherwise cause a violation of MGL CH. 131, §40, THE WETLANDS PROTECTION ACT.

E. Radioactivity: No activities shall emit dangerous levels of radioactivity.
F. Glare and Heat: Activities that emit glare which can be discernible at the property line, such as floodlights or high temperature processes such as combustion, welding or otherwise, whether direct or sky-reflected, shall be equipped with adequate measures to minimize or to eliminate such nuisances. These regulations shall not apply to signs or to the illumination of vehicle accommodation areas otherwise permitted by the ZONING ORDINANCE. There shall be no emission or transmission of heat, or heated air, so as to be discernible at the property line.

G. Dust, Fumes, Vapors, Gases, and Odors: Any use, activity, or any conditions which will generate noxious matter/emissions, such as odors, scents, aromas, fumes, vapors, and/or gases, of such intensity and character so as to be readily detectable at the property line of the lot on which the use emitting such nuisances is located, which have the potential of being injurious to human health, animals, vegetation, and/or detrimental to the enjoyment of adjoining or nearby properties, or which unreasonably will interfere with the comfort of the public, shall be equipped with adequate measures to minimize or to eliminate such nuisances. For the purposes of this subsection, noxious matter is any liquid, solid, or gaseous matter including, but not limited to, gases, vapors, dusts, fumes, and mists, containing properties, which by chemical or other means, are inherently harmful to life, capable of causing injury and health impairment, or capable of causing damage to property.

H. Explosive Materials: No bulk storage of gasoline or petroleum products shall be permitted except as incidental to a laboratory, a production operation, or the servicing of company-owned or-leased vehicles. Any such stored flammable or explosive materials shall be protected by safety equipment and fire-suppression devices that are in accordance with local, state, and federal regulations.

I. Electromagnetic Interference: All electromagnetic radiation measured at the property line must meet the current Federal Communications Commission (FCC) regulations.

J. Wastes and Refuse: Waste material or refuse stored outside buildings shall be placed in completely enclosed containers. Adequate provisions are to be provided so as to ensure that no waste material shall be dumped upon, or permitted to remain upon any property.

K. Illumination: Landscaping and non-landscaping illumination fixtures shall be so arranged and controlled, in both height and intensity, to minimize glare and light spillover onto a public way and neighboring properties. To achieve this, luminaries are to be shielded to limit light shining beyond a property line onto neighboring properties or public ways. All artificial lighting used to illuminate a parking area, maneuvering space, driveway, walkway, or pedestrian plaza, or other area, shall be arranged and shielded so as to prevent direct glare from the light source onto any residential property.

L. Landscaping: Open land between buildings, vehicle accommodation areas, front, side and rear yard setback areas, and property lines is to be attractively landscaped with an effective combination of, for example, lawn, trees, shrubbery, and other suitable groundcover. Any landscaped area shall be properly maintained in an attractive and well-kept condition. The permit granting authority reserves the right to require a landscaping plan to be submitted. Undeveloped areas, proposed for future expansion, shall be maintained in a proper condition and may be landscaped if required.
M. Signs: Signs shall be limited to advertising only the person(s), firm, company, or entity operating the use conducted on the site, or the products produced or sold thereon, in addition to directional and informational signs. Signs may be illuminated provided that no signs, nor any other contrivance, shall be devised or constructed so as to gyrate, blink, or move in any animated fashion.

N. Erosion and Sedimentation Control: Exposed and disturbed areas, as a result of stripping vegetation, soil removal, and regrading, will be permanently stabilized within six (6) months of occupancy of a structure. During construction, temporary vegetation and/or mulching, shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment shall be trapped by using, for example, staked haybales, sedimentation traps, or silt traps.

O. Stormwater Management: Uses and roadways within an “IBP” shall be designed with a drainage system, which is sufficient to manage the volume of stormwater to be generated by the development. To this end, the location and design of the proposed stormwater system, and of all appurtenances, shall be shown on the site plan. Drainage calculations, prepared and stamped by a Registered Professional Engineer, are required to be submitted. Any proposed leaching catchbasins, galleys drywells, or any other method of stormwater control, which requires the discharge of water into the ground, must be accompanied by a soils test and a soils log, establishing the soils’ suitability. The site plan shall show the location of the test pits. Drainage calculations, at minimum, shall be prepared for a 2–year storm frequency No surface water may be channeled, nor directed, into a sanitary sewer.

P. Internal Roadway Network:

1. Sub–collector streets shall be planned as the primary circulation streets within an “IBP” zoning district. The Planning Board is encouraged to apply the layout regulations of streets within an “IBP” zoning district in a pliant manner in order to accommodate flexibility in the layout of lots and in the location of principal and accessory structures, streets, and to provide greater harmony with the land and potential constraints. Construction shall be in accordance with the specifications of the DPW.

2. While minor streets and privateways may be permitted in an “IBP”, such streets shall not be connected to public streets outside an “IBP” in a manner to encourage their use by through traffic.

3. Privateways, which may be permitted in an “IBP”, shall not be considered a public street; and hence no privateway shall be used to satisfy the minimum lot frontage requirement, the minimum lot width requirement, nor any other applicable dimensional requirement. Privateways shall: (a) have a minimum paved road width of twenty (20’) feet, (b) not be designed as a cul–de–sac, (c) be equipped with signs which state such, (d) be equipped with speed bumps at the discretion of the Planning Board, and (e) be dedicated to the City of Attleboro as public utility easements.

Q. Number of Principal Buildings Per Lot: More than one (1) principal building may be placed on a lot provided that the minimum lot coverage regulation of §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS is satisfied. Shared parking facilities are encouraged. The minimum distance between principal buildings on the same lot shall be equal to the height of the lower building measured perpendicular from the face of each building.
R. Open Space shall be subject to the following:

1. Ten (10%) percent of a lot within an “IBP” is to be set aside for open space. For purposes of this subsection, usable open space shall mean that: (a) it is not encumbered with a structure, (b) it is not devoted to a roadway, parking lot, or sidewalk, (c) it is left in its natural or undisturbed state except for cutting trails for walking or jogging if wooded, or, if not wooded at the time of development, is landscaped for ballfields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the intent of creating a wooded area, (d) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, and (e) is legally and practicably accessible to the users of the development.

2. It is encouraged that the open space be in one (1) contiguous parcel.

3. The open space shall be accessible and thereby each parcel of open space shall have physical access containing a minimum width of twenty-five (25’) feet from a street within the “IBP” zoning district.

4. Development on the open space, or its use, for other than as outlined in this section, except for utility easements, is prohibited. Structures accessory to recreation may be erected on the open space.
§17–4.8(A) TABLE OF SOUND PRESSURE STANDARDS

<table>
<thead>
<tr>
<th>Frequency Band Cycles Per Second</th>
<th>Maximum Sound Pressure Level (dB)*</th>
<th>Maximum Sound Pressure Level (dB)**</th>
</tr>
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<tbody>
<tr>
<td>20 - 75</td>
<td>69</td>
<td>65</td>
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<tr>
<td>75 - 150</td>
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<td>300 - 600</td>
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<td>600 - 1,200</td>
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<td>1,200 - 2,400</td>
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<td>4,800 - 10,000</td>
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</table>

* Sound pressure levels under Column 1 are the maximum allowable which can be discernable from the perimeter zoning line of an IBP district which abuts, or is across from, any "B" or "I" zoning district or use.

** Sound pressure levels under Column 2 are the maximum allowable which can be discernable from the perimeter zoning line of an IBP district which abuts, or is across from, any "R" zoning district or use.
### §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>USE</th>
<th>Minimum Lot Area (Square Feet)</th>
<th>Minimum Lot Width (Linear Feet)</th>
<th>Minimum Yards Front / Side/Rear (Linear Feet)</th>
<th>Maximum Building Area (Percent of Lot)</th>
<th>Maximum Building Height (Stories)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SR–A</strong></td>
<td>One–Family Dwellings</td>
<td>10,000</td>
<td>80</td>
<td>30 / 15 / 15</td>
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<td>16,000 (a)</td>
<td>100</td>
<td>30 / 15 / 15</td>
<td>25</td>
<td>2.5</td>
</tr>
<tr>
<td></td>
<td>Residential Cluster Dwellings</td>
<td>16,000 (a)</td>
<td>100</td>
<td>30 / 15 / 15</td>
<td>25</td>
<td>2.5</td>
</tr>
<tr>
<td></td>
<td>Primarily for the Eldery &amp; Handicapped</td>
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<tr>
<td></td>
<td>Any Other Permitted Use</td>
<td>16,000</td>
<td>100</td>
<td>30 / 15 / 15</td>
<td>25</td>
<td>2.5</td>
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<tr>
<td></td>
<td>(a) plus 7,000 square feet for each unit more than 2 to a maximum of 6 units per acre</td>
<td></td>
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</tbody>
</table>
### §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>USE</th>
<th>Minimum Lot Area (Square Feet)</th>
<th>Minimum Lot Width (Linear Feet)</th>
<th>Minimum Yards Front Side/Rear (Linear Feet)</th>
<th>Maximum Building Area (Percent of Lot)</th>
<th>Maximum Building Height (Stories)</th>
<th>Floor to Area Ratio (F.A.R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CB</td>
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<tr>
<td></td>
<td></td>
<td>Mixed Residential/Business</td>
<td>6,000 (a)</td>
<td>0 / 10 / (c)</td>
<td>80</td>
<td>6</td>
<td>4</td>
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<tr>
<td></td>
<td></td>
<td>Hotels and Motels</td>
<td>6,000 (b)</td>
<td>0 / 10 / (c)</td>
<td>40</td>
<td>6</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential Cluster Dwellings Primarily</td>
<td>6,000 (c)</td>
<td>0 / 10 / (c)</td>
<td>40</td>
<td>6</td>
<td>—</td>
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<tr>
<td></td>
<td></td>
<td>Downtown Residential Cluster Dwellings</td>
<td>6,000 (c)</td>
<td>0 / 10 / (c)</td>
<td>80</td>
<td>6</td>
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<tr>
<td></td>
<td></td>
<td>Any Other Permitted Use</td>
<td>0</td>
<td>0 / 0 / (d)</td>
<td>80</td>
<td>6</td>
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<tr>
<td></td>
<td></td>
<td>(a) plus 1,000 square feet for each unit more than 1</td>
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<td></td>
<td></td>
<td>(b) plus 1,000 square feet per bedroom</td>
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<td></td>
<td></td>
<td>(c) minimum side/rear yard dimensions shall be increased by 4 feet for each story more than 3</td>
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<td></td>
<td></td>
<td>(d) any door opening in an exterior wall shall require a minimum 4 foot yard setback</td>
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<td></td>
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<td>(e) plus 600 square feet for each unit more than 1</td>
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<tr>
<td>TOD</td>
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<td>Any Permitted Use</td>
<td>20,000</td>
<td>50</td>
<td>85</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(see §17–10.16.3 Dimensional and Intensity Requirements for additional dimensional and intensity requirements)</td>
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<tr>
<td>GB</td>
<td></td>
<td>Multi–Family Dwellings</td>
<td>12,000 (a)</td>
<td>15 / 15 / 15</td>
<td>30</td>
<td>3</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mixed Residential/Business</td>
<td>12,000 (a)</td>
<td>15 / 15 / 15</td>
<td>30</td>
<td>3</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Residential Cluster Dwellings Primarily</td>
<td>12,000 (d)</td>
<td>15 / 15 / 15</td>
<td>30</td>
<td>3</td>
<td>—</td>
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<tr>
<td></td>
<td></td>
<td>Any Other Permitted Use</td>
<td>8,000</td>
<td>15 / 0 / (b)</td>
<td>40</td>
<td>3</td>
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<td></td>
<td></td>
<td>(a) plus 1,500 square feet for each unit more than 6</td>
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<tr>
<td></td>
<td></td>
<td>(b) any door opening in an exterior wall shall require a minimum 4 foot yard setback</td>
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<tr>
<td>PHB</td>
<td></td>
<td>Any Permitted Use</td>
<td>0</td>
<td>75 / 0 / 0</td>
<td>50</td>
<td>3</td>
<td>0.50</td>
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<td>I</td>
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<td>Any Permitted Use</td>
<td>0</td>
<td>30 / 0 / 0</td>
<td>50</td>
<td>3</td>
<td>—</td>
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<tr>
<td>IBP</td>
<td></td>
<td>Any Permitted Use</td>
<td>40,000 (a)</td>
<td>30 / 0 / 0</td>
<td>50</td>
<td>6</td>
<td>—</td>
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<td></td>
<td></td>
<td>(a) minimum gross flor area of 7,500 square feet for any principal building</td>
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</tbody>
</table>
SECTION 17–5.0
OFF–STREET PARKING & LOADING REGULATIONS

§17–5.1 Off–Street Parking Requirements

Off–street parking spaces shall be at least ten (10') feet in width, twenty (20') feet in length, and shall have an area of not less than three hundred (300) square feet which includes access and maneuvering space, whether inside or outside a structure, except in a “PHB” and “TOD” district where such spaces shall be at least nine (9') feet in width, nineteen (19') feet in length, and shall have an area of not less than two hundred and eighty–three (283) square feet including access and maneuvering space. In any zoning district, if any structure is constructed, enlarged or extended, or any use of land established or any existing use changed, after the effective date of this ordinance, parking pertinent to the intended use shall be provided in accordance with the §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS and other requirements contained herein.

§17–5.2 Off–Street Loading Requirements

Off–street loading spaces shall be at least twelve (12') feet in width, except in “PHB” district where they shall be eleven (11') feet in width, and shall in all cases be at least fifty (50') feet in length, have a vertical clearance of at least fourteen (14') feet, and have an area of not less than one thousand three hundred (1,300) square feet including access and maneuvering space, available exclusively for loading and unloading of goods and materials from one vehicle. For every building hereafter erected for retail, service, commercial, wholesale, transportation, industrial and community facility use as specified in §17–3.4 TABLE OF USE REGULATIONS, and for every such use hereinafter established in an existing building or area, the off–street loading requirements presented in the §17–5.11 TABLE OF OFF–STREET LOADING REGULATIONS shall apply, except in a “PHB” district where the number and location of off–street loading spaces shall be arranged so as to meet the reasonable needs of the occupants of the buildings such spaces are to serve, subject to the approval of the Inspector of Buildings.

§17–5.3 Existing Spaces

Parking or loading spaces in lesser number than the requirements of this ordinance being maintained in any zoning district in connection with any existing use on the effective date of this ordinance shall not be decreased so long as said use remains, unless an equal number of parking or loading spaces is constructed elsewhere in conformance with the requirements of this ordinance.

§17–5.4 Computation of Spaces

When the computation of required parking or loading spaces results in the requirements of a fractional space, the fraction of one–half or more shall require one space.

§17–5.5 Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Inspector of Buildings, provided that such facilities will continue to be available for the several buildings or uses.
§17–5.6 LOCATION OF PARKING AND LOADING SPACES

In any district, if any structure is constructed, enlarged, or extended, or any use of land established, or any existing use changed, after the effective date of this ordinance, the off–street parking spaces required for the uses listed in the §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS shall be located in the same zoning district as the principal use they are intended to serve.

A. Except as provided in §17–5.5 COMBINED FACILITIES, off–street parking spaces shall be provided on the same lot as the principal use they are required to serve, or, by special permit from the Board of Appeals, they may be established no further than three hundred (300') feet from the nearest boundary line of the lot on which the principal use is proposed or maintained.

B. Off–street parking spaces in excess of the minimum number of required for the different uses listed in the §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS may be permitted in a zoning district different from the zoning district within which the principal use they are intended to serve is located only by a special permit from the Board of Appeals. Such additional off–street parking spaces shall not be used in a calculation to satisfy any minimum off–street parking space requirements. Ingress to and egress from such additional off–street parking spaces shall be by way of the existing parking lot or lots.

C. Any non–residential accessory off–street parking spaces, allowed by special permit to be located in a residential zoning district, shall be separated from the adjacent residential property by a minimum twenty–five (25') foot wide landscaped buffer strip; and to the extent determined appropriate by the Board of Appeals, fencing, plantings, or a raised earthen berm, to visually screen the non–residential off–street parking facility, may be required.

D. Off–street loading spaces required for uses listed in the §17–5.11 TABLE OF OFF–STREET LOADING REGULATIONS, shall be permitted in a zoning district, different from the zoning district within which the principal uses they are intended to serve is located, only by special permit from the Board of Appeals.

E. Off–street loading spaces in excess of the minimum number of required for the different uses listed in the §17–5.11 TABLE OF OFF–STREET LOADING REGULATIONS may be permitted in a zoning district, different from the zoning district within which the principal use they are intended to serve is located, only by a special permit from the Board of Appeals.

F. Off–street loading spaces, allowed by special permit to be located in a residential zoning district, shall be separated from the adjacent residential property by a minimum twenty–five (25') foot wide landscaped buffer strip; and to the extent determined appropriate by the Board of Appeals, fencing, plantings, or a raised earthen berm, to visually screen the non–residential off–street loading spaces, may be required.

§17–5.7 MUNICIPAL PARKING LOTS

The Board of Appeals, by special permit, may allow the substitution of space within municipal parking lots in lieu of the parking requirements of this article, provided such lots are located within one thousand (1,000') feet of the building which is intended to be served.
§17–5.8 PARKING AND LOADING SPACE STANDARDS

All parking and loading areas containing over four spaces, including automotive and drive–in establishments of all types, shall be either contained within structures, or subject to the following:

A. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any “GR” or “SR” zoning district pursuant to §17–4.4 SCREENING AND BUFFERS.

B. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.

C. A substantial bumper of masonry, steel, or heavy timber, or a concrete curb or berm curb which is backed shall be placed at all edges of surfaced areas except at driveways in order to protect abutting structures, properties, sidewalks, and screening materials.

D. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.

E. Any fixture used to illuminate any parking and loading area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

F. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities within any required parking or loading area.

G. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved construction operations.

H. On a corner lot, any portion of any entrance shall not be closer than thirty (30') feet to the intersection of the street lines.

§17–5.9 GENERAL PARKING AND LOADING SPACE STANDARDS

All parking and loading areas shall be subject to the following:

A. Parking shall not be located within the required front yard area in any district except for “GR”, “SR”, and “PHB”, where there shall be no parking closer than fifteen (15') feet to the street line.

B. Parking and loading spaces other than those required for single and two–family dwellings shall be so arranged as not to permit backing of vehicle onto any street.

C. Any two driveways leading to or from a street, to or from a single lot shall not be within thirty (30') feet of each other at their intersection with the lot line for an interior lot and forty (40') feet for a corner lot, measured along the lot lines, except that in a “PHB” district driveways may be located within as few as five (5') feet of each other at the lot line provided one such driveway is designated to be used solely for egress and other is designated to be used solely for ingress and a traffic island is located between such driveways.

D. Any entrance or exit driveway shall not exceed twenty–five (25') feet in width at its intersection with the lot line.
E. The Board of Appeals may grant a special permit to allow the reduction of the parking space requirement to fifty (50%) percent of that required in the §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS where conditions unique to the use will reasonably justify such a reduction.

F. The Board of Appeals may grant a special permit to allow reduction or elimination of the parking and loading requirements in the Central Business zoning district when it finds said requirements unreasonable due to conditions unique to the size or shape of the lot, the location of the building on the lot, or the unavailability of land on the premises for parking and/or loading.

§17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS

<table>
<thead>
<tr>
<th>PRINCIPAL USES</th>
<th>MINIMUM NUMBER OF OFF–STREET PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted by the ZONING ORDINANCE……………………Closest similar use as determined by the Inspector of Buildings not covered by §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS</td>
<td></td>
</tr>
<tr>
<td>Automobile retail and service establishment and other…………….One (1) space per 1,000 square feet of gross floor space. In the case of retail and service establishment utilizing extensive display areas either indoors or outdoors, which are unusually extensive in relation to customer traffic</td>
<td></td>
</tr>
<tr>
<td>Building Trade………………………………………………….One (1) space per 500 square feet of gross floor space</td>
<td></td>
</tr>
<tr>
<td>Business, Trade or Industrial School or College…………………..One (1) space per each 200 square feet of gross floor area in classrooms and other teaching station</td>
<td></td>
</tr>
<tr>
<td>Community Facility (city buildings, recreation, etc.)………………One (1) space per each 400 square feet of gross floor space</td>
<td></td>
</tr>
<tr>
<td>Craft Shop………………………………………………………..One (1) space per 500 square feet of gross floor space</td>
<td></td>
</tr>
<tr>
<td>Dwelling, One–Family and Two–Family……………………………..One and one–half spaces (1.5) per unit</td>
<td></td>
</tr>
<tr>
<td>Dwelling, Downtown Residential Cluster……………………………..One (1) space per unit</td>
<td></td>
</tr>
<tr>
<td>Dwellings, Multi–Family and Attached…………………………….Two (2) spaces per unit and one additional space for every four units</td>
<td></td>
</tr>
<tr>
<td>Dwellings, Multi–Family Primarily for the Elderly and Handicapped</td>
<td></td>
</tr>
<tr>
<td>Hospital………………………………………………………………One (1) space per bed at design capacity</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, Tourist Court……………………………………….One (1) space for each sleeping room plus one (1) space for each 400 square feet of public meeting area and restaurant space</td>
<td></td>
</tr>
<tr>
<td>Lodging House, Dormitory, Fraternity, Sorority……………………One (1) space per rental or sleeping unit (any bedroom or group of two beds in a single room constitutes a sleeping unit)</td>
<td></td>
</tr>
<tr>
<td>Lounges, Bars and Nightclubs……………………………………….One (1) space for each two seats of total seating capacity</td>
<td></td>
</tr>
<tr>
<td>Manufacturing or Industrial establishment……………………….One (1) space per 500 square feet of gross floor space</td>
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</tr>
</tbody>
</table>
Mixed Uses…………………………………………………….. Sum of various uses computed separately

Nursing Home....................................................... One (1) space per bed at design capacity

Offices including Finance, Insurance, or Real Estate........ One (1) space per 300 square feet of gross floor area Establishment, Medical/Dental Office Building

Physical Fitness/Workout Gymnasium......................... One (1) space per 200 square feet of gross floor space

Physical Training Service Establishment..................... One (1) space per 400 square feet of gross floor space

Public or Private Utility......................................... One (1) space per 300 square feet of gross floor area devoted to office use and one (1) space per 800 square feet of gross floor area for other, non-office, use

Residential development in the TOD zoning district........ One (1) off-street parking stall per unit plus one (1) additional off-street parking stall for every four (4) residential units

Non-Residential development in a TOD zone except for restaurants three (3) off-street parking stalls per 1,000 square feet (where application of this formula results in the fractional stall, the number of stalls required shall be the next highest whole number); two (2) spaces for any use occupying more than 500 square feet and less than 1,000 square feet; and one (1) space for any use occupying 500 square feet or less

Restaurant, Drive-In............................................. One (1) space per 50 square feet of gross floor area

Restaurant, Sit-Down............................................. One (1) space for each two seats of total seating capacity

Retail Stores and Personal Service Establishment........... One (1) space per 150 square feet of gross floor space, except in “PHB” district where there shall be one (1) space for each 200 square feet of gross floor area

School, Other ...................................................... Two (2) spaces per classroom in Elementary and Junior High School; Four (4) stalls per classroom in Senior High School plus one (1) space for every 10 seats of total seating capacity in auditorium or gymnasium, whichever has the larger capacity

Sportsplex/Sports Complex, Indoor......................... One (1) space per every three persons per fire rated capacity associated with each sports arena plus one (1) space per every two (200) hundred square feet of gross retail floor area

Storage, Self- and Mini-......................................... One (1) space per 15,000 square feet of gross floor space

Theater, Gymnasium, Auditorium, Church or similar place... One (1) space for each four seats of total seating capacity of assembly with seating facilities

Transportation Terminal Establishments.................... One (1) space per 500 square feet of gross floor space

Warehouse or Storage Establishment.......................... One (1) space per 4,000 square feet of gross floor space

Wholesale Establishment........................................ One (1) space per 1,000 square feet of gross floor space
§17–5.11 TABLE OF OFF–STREET LOADING REGULATIONS

<table>
<thead>
<tr>
<th>PRINCIPAL USES</th>
<th>MINIMUM NUMBER OF LOADING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail, Trade, Manufacturing and Hospital…………………..</td>
<td>One (1) space per 20,000 square feet or fraction thereof of gross floor area up to two (2) spaces; one (1) additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; parking spaces used for ambulance receiving at a hospital are not to be used to meet these requirements</td>
</tr>
<tr>
<td>Establishment with 5,000 square feet of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Business Services, Other Services, Community Facility…..</td>
<td>One (1) space per 75,000 square feet or fraction thereof of gross floor area up to two (2) spaces; one (1) additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet</td>
</tr>
<tr>
<td>(school, church, City building, or public or private utility establishment) with over 5,000 square feet of gross floor area</td>
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</tr>
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</table>
SECTION 17–6.0
NON–CONFORMING USES, STRUCTURES & LOTS

§17–6.1 NON–CONFORMITY BY INITIAL ENACTMENT OF AMENDMENTS

The provisions of this section apply to actions in connection with non–conforming uses, structures and lots as created by the initial enactment of this ordinance or by any subsequent amendment thereto. For the purpose of this ordinance, non–conforming uses, structures and lots shall be those uses, structures and lots lawfully existing at the effective date of this ordinance, or any subsequent amendment thereto, which do not conform to all provisions of this ordinance. It is the purpose of this ordinance to discourage the perpetuity of non–conforming uses whenever possible. The lawful use of any building, land or sign existing at the time of enactment of this ordinance may continue, except as otherwise provided.

§17–6.2 EXTENSION, ALTERATION AND CONTINUANCE

A. Any non–conforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended, except as herein provided.

B. Any non–conforming principal use of a structure shall not be extended, except as herein provided.

C. Any conforming or non–conforming accessory use of a portion of a non–conforming structure may be extended up to forty (40%) percent of the gross floor area of the existing structure.

D. Any non–conforming structure may be altered and a conforming use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to violate the dimensional and density regulations of the zoning district in which it is located.

E. Any non–conforming structure or portion thereof, which has come into conformity, shall not thereafter again become non–conforming.

F. Non–conforming structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such extension or alteration shall not be substantially more detrimental to the neighborhood than the existing non–conforming use.

G. Temporary and conditional non–conforming uses of buildings, structures of land granted by special permit under the provisions of the previous zoning ordinance may be continued, provided that the Board of Appeals shall find that a real need for the continuance of such non–conforming use exists in the neighborhood and that the continuance of such use will not substantially reduce the value of the property in the zoning district or otherwise cause injury in the neighborhood.
§17–6.3 REDUCTION OR INCREASE

A. Any non–conforming lot or open space on the lot, if already smaller or greater as the case may be, than that required shall not be further reduced or increased so as to be in greater non–conformity.

B. Any off–street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

§17–6.4 CHANGE

Any non–conforming use of a structure may be changed to another non–conforming use provided the changed use is not a substantially different use as determined by the Board of Appeals. For the purpose of this ordinance, a substantially different use is a use, which, by reason of its normal operation, would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing non–conforming use or from any permitted use in the subject zoning district.

§17–6.5 RESTORATION

1. Any non–conforming structure that is destroyed by fire or catastrophe, as determined by the Inspector of Buildings, may be rebuilt or restored and shall be exempt from any of the special permit and variance processes under the provisions of the ZONING ORDINANCE provided that:

   A. The structure shall be reconstructed or restored on its original foundation or on its original footprint location in the event that the foundation has been destroyed.

   B. The structure shall be rebuilt or restored to its original floor area, dimensions and height.

   C. Any pre–existing non–conforming use or uses contained within said non–conforming structure may only be re–established to the extent equal to the non–conformity prior to the damage.

2. The owner of the structure shall commence operations for the reconstruction or restoration of the structure within one (1) year after the structure has sustained a catastrophe as aforesaid, and the owner shall have sought and obtained a building permit for the reconstruction or restoration within the one (1) year period since the catastrophe. Failure to commence the process of reconstruction or restoration within this time limit shall require the owner of the structure to comply with the use, dimensional and density regulations of the underlying zoning district.

§17–6.6 ABANDONMENT

Any non–conforming use of a structure or lot, which has been abandoned or not used for a period exceeding two years, shall not be used again except for a conforming use. For the purpose of this ordinance, a non–use period shall not be broken by temporary occupancy except when such temporary occupancy is for a period of at least sixty (60) consecutive days.
§17–6.7 MOVING

Any non–conforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

§17–6.8 UNSAFE STRUCTURE

Any structure determined to be unsafe may be restored to a safe condition provided such work on any non–conforming structure shall not place it in greater non–conformity.

§17–6.9 SPECIAL PERMIT REQUIRED

A special permit from the Board of Appeals shall be required for any alteration, extension, change or continuance of a non–conforming use of a structure as provided in §17–6.0 NON–CONFORMING USES, STRUCTURES, AND LOTS. The procedures to be followed in the granting of such special permits shall be the same as those provided in §17–9.0 SPECIAL PERMITS hereof.
§17–7.1 Administrative Officer

It shall be the duty of the Inspector of Buildings to administer and enforce the provisions of this ordinance.

§17–7.2 Building Permit Required

It shall be unlawful to construct, enlarge, alter, remove, or demolish a structure or a parking lot of greater than 2,500 square feet in area without first filing an application with the Inspector of Buildings in writing and obtaining the required building permit pursuant to 780 CMR and the Revised Ordinances of the City of Attleboro, as amended. Except, however, a building permit shall not be required for residential accessory structures not exceeding one hundred and twenty (120) square feet in area and commercial accessory structures not exceeding more than one hundred (100) square feet in area.

§17–7.3 Certificate of Occupancy Required

No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy has been issued by the Inspector of Buildings. The certificate shall not be issued until all the work has been completed in accordance with the provisions of the approved permits and of the applicable ordinances for which a permit is required. Upon the request of the holder of a permit, the Inspector of Buildings may issue a temporary certificate of occupancy for a building or structure or part thereof, before the entire work covered by the permit has been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering the public welfare, and provided that the Board of Appeals or the Planning Board, when having jurisdiction for permits issued under the provisions of this ordinance, is notified of the decision to issue a temporary certificate.

§17–7.4 Other Approval Required

Where authorization of a use of land or of a structure is required by the Board of Appeals or the Planning Board, a copy of such written authorization shall be sent by the Clerk of said Board to the Inspector of Buildings within fourteen (14) days of granting of approval. In addition, the Inspector of Buildings shall not issue a permit until the applicant submits certification from the Bristol County Registrar of Deeds that the authorization of the Board of Appeals or the Planning Board, as the case may be, is recorded. Furthermore, the Inspector of Buildings shall not issue a permit where approval or endorsement under the Subdivision Control Law by the Planning Board is required until written notification of such approval or endorsement is received.

§17–7.5 Permit and Certificate Fees

Fees shall be established by ordinance (see Chapter 3, §3–8 Fees).
§17–7.6 BUILDING PERMIT TIME LIMITS

Any permit issued shall become invalid unless the work authorized by it is commenced within six (6) months after its issuance. If the work authorized by such permit is suspended for a period of one (1) year after the time work is commenced it shall be deemed abandoned. However, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the Inspector of Buildings.

§17–7.7 VIOLATIONS

The Inspector of Buildings shall serve a written notice of violation on the owner or the person responsible when a violation of any of the provisions of this ordinance is found to exist. Such notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

§17–7.8 FINES FOR VIOLATIONS

If the notice of violation is not complied with within thirty (30) days after service, unless otherwise provided in the Massachusetts State Building Code, the Inspector of Buildings shall institute appropriate proceedings in a court of competent jurisdiction to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this ordinance or of the order or direction made in pursuant thereto. A person who shall violate a provision of this ordinance may upon conviction be affixed a penalty in an amount not to exceed one hundred ($100.00) dollars for each offense. Each day, or portion of a day, that any violation continues shall constitute a separate offense. A person who violates any provision of this ordinance shall receive a warning for the first offense and shall be punished for subsequent offenses by a fine according to the following schedule: second offense, twenty–five ($25.00) dollars; third offense and each offense thereafter, fifty ($50.00) dollars. Such penalties shall be assessed in accordance with the provisions for the non–criminal disposition of violations in MGL Ch. 40, §21D, as amended. Each day, or portion thereof, of continuing violation shall constitute a separate offense. The Inspector of Buildings, or his designee, shall be authorized to issue written notice of violations. In accordance with the provisions of MGL Ch. 40, §58, a lien, known as the municipal charges lien, may be imposed by the City in real property owned by a person who fails to pay any such fine by the due date. Such lien may be discharged by recording in the Registry of Deeds a certificate from the City Collector indicating that any such fine has been paid or legally abated. All costs of recording of discharging such lien shall be borne by the owner of the property.

§17–7.9 PROSECUTION OF VIOLATION

As an alternative to, or in lieu of, the imposition of fines for violation of this ordinance as is provided for in §17–7.8 FINES FOR VIOLATIONS, the Inspector of Buildings may, if the notice of violation is not complied with within thirty (30) days after service, unless otherwise provided in the Massachusetts State Building Code, institute appropriate proceedings in a court of competent jurisdiction to restrain, correct or abate such violation or to require the removal of the unlawful use of the building or structure in violation of the provisions of this ordinance or of the order or direction made in pursuant thereto. A person who shall violate a provision of this ordinance may upon conviction be affixed a penalty in an amount not to exceed one hundred ($100.00) dollars for each offense. Each day, or portion of a day, that any violation continues shall constitute a separate offense.

§17–7.10 SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, such invalidity shall not affect the remaining provisions or applications of this ordinance.
§17–8.1 ORGANIZATION

There is hereby established an unpaid Board of Appeals consisting of three members and two associate members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three (3) years, with the term of one member to expire each year. Each associate member shall serve for a term of two (2) years, with the term of one associate member to expire each year. Members and associate members of the Board of Appeals in office at the effective date of this ordinance shall continue in office until their terms expire. Members of the Board of Appeals shall elect their Chairman and Clerk annually. The Chairman of the Board of Appeals may designate any associate member to sit on the Board in case of the absence, inability to act or conflict of interest on the part of a member thereof, or in the event of a vacancy on the Board, until said vacancy is filled. No member or associate member of the Board of Appeals shall represent before the Board any party of interest in any matter pending before it.

§17–8.2 POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties: to hear and decide appeals; to hear and decide applications for special permits, except those specifically delegated to another Special Permit Granting Authority; and to hear and decide petitions for variances in accordance with MGL CH. 40A, §10, as amended.

§17–8.3 STAFF

The Board of Appeals, subject to appropriation, may employ such technical, clerical, and other assistance as it deems necessary to carry out the functions of the Board of Appeals.

§17–8.4 PROCEEDINGS OF THE BOARD OF APPEALS

Meetings of the Board of Appeals shall be held at the call of the Chairman or when called in such other manner as the Board shall determine in its rules. The Board shall keep a record of its proceedings, shall establish its own rules of procedure, and, subject to appropriation, may make such expenditures as may be necessary to the performance of its functions. A copy of the rules of procedure shall be filed in the office of the City Clerk.

§17–8.5 REMOVAL OF MEMBERS

Any member or associate member may be removed for cause by the appointing authority upon written charges and after a public hearing.
§17–8.6 Fee Schedule

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Special Permit</td>
<td>$150.00</td>
</tr>
<tr>
<td>b. Special Permit – Marijuana Business</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>c. Special Permit – Multi-Family Residential</td>
<td>$175.00 plus $10.00 per dwelling unit</td>
</tr>
<tr>
<td>d. Special Permit – Earth Removal (§17–10.2)</td>
<td>$325.00 plus $50.00 per acre or fraction thereof</td>
</tr>
<tr>
<td>e. Special Permit – Mobile Home Park (§17–10.3)</td>
<td>$575.00 plus $25.00 per lot</td>
</tr>
<tr>
<td>f. Special Permit – Home Occupation (§17–10.4)</td>
<td>$150.00</td>
</tr>
<tr>
<td>g. Special Permit – OSRD, Standard Design (§17–10.5)</td>
<td>$575.00 plus $25.00 per one–family lot and two–family lot</td>
</tr>
<tr>
<td>h. Special Permit – OSRD, Affordable Housing (§17–10.6)</td>
<td>$575.00 plus $25.00 per one–family lot, $25.00 per two–family lot and $10.00 per multi–family unit</td>
</tr>
<tr>
<td>i. Special Permit – OSRD, Green Design (§17–10.7)</td>
<td>$575.00 plus $25.00 per one–family lot, $25.00 per two–family lot and $10.00 per multi–family unit</td>
</tr>
<tr>
<td>j. Special Permit – Landfill (new) (§17–10.8)</td>
<td>$75.00 plus $6.00 per acre or fraction thereof</td>
</tr>
<tr>
<td>k. Special Permit – Landfill (renewal) (§17–10.8)</td>
<td>$2.00</td>
</tr>
<tr>
<td>l. Special Permit – Flood Plain District (§17–10.12)</td>
<td>$150.00</td>
</tr>
<tr>
<td>m. Special Permit – Water Resources Protection District (§17–10.13)</td>
<td>$150.00</td>
</tr>
<tr>
<td>n. Site Plan Review</td>
<td>see §17–15.0</td>
</tr>
<tr>
<td>o. Repetitive Petitions (MGL Ch. 40A, §16)</td>
<td>$75.00</td>
</tr>
<tr>
<td>p. Variance</td>
<td>$125.00</td>
</tr>
<tr>
<td>q. Appeal</td>
<td>$100.00</td>
</tr>
<tr>
<td>r. Pre–Application Conference</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

§17–8.7 Hearings: Action

A. Hearings of the Board of Appeals shall be advertised and conducted in accordance with MGL Ch. 40A, §11 and §15, as amended.

B. The Board shall hold a hearing on any appeal, application or petition transmitted to it by the City Clerk within sixty–five (65) days from the transmittal to the Board of such appeal, application or petition. The Board shall cause notice of such hearing to be published and sent to parties of interest, and shall notify the Planning Board and the Planning Boards of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the Board of Appeals. The Chairman, or in his absence the Acting Chairman, may administer oaths, summon witnesses, and call for the production of papers.

C. The concurring vote of all members of the Board of Appeals shall be necessary to reverse any order or decision of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variance in the application of this ordinance.

D. All hearings of the Board of Appeals shall be open to the public. The decision of the Board shall be made within one hundred (100) days after the date of the filing of an appeal, application or petition, except in regard to special permits as provided in §17–9.0 Special Permits. Failure by the Board to act within said one hundred (100) days shall be deemed to be the grant of the relief application or petition sought, subject to an applicable judicial appeal. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failure to vote, indicating such fact and setting forth clearly the reason or reasoning for its decision and of its official actions, copies of all of which shall be filed within fourteen (14) days in the office of the City Clerk and shall be a public record. Notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties of interest, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify the appeals, if any, shall be made pursuant to MGL Ch. 40A, §17, as amended, and shall be filed within twenty (20) days after the date of filing of such notice in the Office of the City Clerk.
§17–8.8 APPEALS

A. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this ordinance, by the Southeastern Regional Planning and Economic Development District (SRPEDD), or by any person including an officer or Board of the City, or of an abutting city or town aggrieved by an order or decision of the Inspector of Buildings, or other administrative official, in violation of any provision of this ordinance.

B. Any such appeal shall be taken within thirty (30) days from the date of the order or decision that is being appealed by filing a notice of appeal, specifying the grounds thereof, with the City Clerk who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to Board of Appeals. Such officer or Board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeals is taken.

C. In exercising these powers, the Board of Appeals may, in conformity with the provisions of this ordinance and of MGL Ch. 40A, as amended, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

§17–8.9 VARIANCES

A. After the appropriate public hearing (see §17–8.7 HEARINGS: ACTION), the Board of Appeals may grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this ordinance where said Board specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of this ordinance.

B. The Board of Appeals may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

C. If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance they shall lapse and may be re-established only after notice and a new hearing.

D. The Board of Appeals shall not authorize a variance for any use or activity not permitted in the zoning district in which the land or structure is located. However, such variances granted prior to January 1, 1976, but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said date.
SECTION 17–9.0
SPECIAL PERMITS

§17–9.1 SPECIAL PERMIT REQUIRED

Certain uses, structures or conditions are designated as exceptions in the §17–3.4 TABLE OF USE REGULATIONS, and elsewhere in this ordinance. Upon written application duly made to the Special Permit Granting Authority, said authority may, in appropriate cases subject to the applicable conditions set forth in §17–10.0 SPECIAL REGULATIONS of this ordinance and elsewhere, and subject to other appropriate conditions and safeguards, grant a special permit.

§17–9.2 HEARINGS: ACTION

Special permits shall only be issued following public hearings held within sixty–five (65) days after filing of an application with the Special Permit Granting Authority, a copy of which shall forthwith be given to the City Clerk by the applicant. Said authority shall adopt and from time to time may amend rules relative to the issuance of special permits and shall file a copy of said rules in the Office of the City Clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permit granting authority shall act within ninety (90) days following a public hearing for which notice has been given in accordance with MGL Ch. 40A. Failure by the Special Permit Granting Authority to take final action upon an application for a special permit within said ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for.

§17–9.3 FAILURE TO COMMENCE

Special permits shall lapse after one (1) year, except that special permits for open space residential developments shall lapse after two (2) years, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

§17–9.4 STANDARDS FOR GRANTING PERMIT

A. Before granting an application for a special permit, the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

1. The requested use is listed in §17–3.4 TABLE OF USE REGULATIONS as a special permit in the zoning district for which application is made or is so designated elsewhere in this ordinance.

2. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

3. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety, or the general welfare.
4. The requested use will not have a severe undesirable effect on the neighborhood, public and environment that would be lessened significantly by denying or modifying the requested permit.

5. Any special regulations for the use set forth in §17–10.0 SPECIAL REGULATIONS are fulfilled.

6. Uses, whether or not on the same parcel as activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

B. The Special Permit Granting Authority shall also impose in addition to any applicable conditions specified in this ordinance, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this ordinance including, but not limited to, the following: (1) front, side, or rear yards greater than the minimum required by this ordinance, (2) screening buffers or planting strips, fences, or walls, (3) limitation upon the size, method and time of operation, time duration of permit, or extent of facilities, (4) regulation of number and location of driveways, or other traffic features, and (5) off-street parking or loading or other special features beyond the minimum required by this ordinance. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.

§17–9.5 REQUIRED SITE PLAN

A. The Special Permit Granting Authority may require a site plan to be submitted by the applicant when in the opinion of the Special Permit Granting Authority said plan is necessary in order to determine that the above–mentioned restrictions are to be met. Said plans shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage and landscape features, such as fences, walls, planting areas and walks.

B. When the Board of Appeals requires a site plan as provided above, said Board shall, within ten (10) days after receipt thereof, transmit one copy of such plan to the Planning Board, the Conversation Commission and the Health Department. Said municipal agencies may, at their discretion, investigate the case and report in writing their recommendations to the Board of Appeals and to the applicant. When the Special Permit Granting Authority is the Planning Board, said Board shall, within ten (10) days after receipt of said site plan, transmit one copy of such plan to the Conservation Commission and the Health Department who may, at their discretion, investigate the case and report in writing their recommendations to the Planning Board and to the applicant.

C. The Special Permit Granting Authority shall not take final action on such plan until it has received a report thereon from said municipal agencies or until said municipal agencies have allowed thirty–five (35) days to elapse after receipt of such plan without submission of a report thereon. Failure of said agencies to make recommendations within thirty–five (35) days receipt by such agencies shall be deemed lack of opposition thereto.
SECTION 17–10.0
SPECIAL REGULATIONS

§17–10.1 GENERAL

In addition to the general conditions set forth in §17–9.0 SPECIAL PERMITS of this ordinance for all special permits, the following special conditions shall apply to the following uses in this section listed as special permits in various districts in the §17–3.4 TABLE OF USE REGULATIONS.

§17–10.2 EARTH REMOVAL

For the purpose of this ordinance “earth” shall include soil, loam, sand, gravel, stone or any other earth materials, and “removal” shall include the moving of earth from one location to another location within the boundaries of a lot or tract of land as well as the moving of earth off of any said lot or tract of land. These regulations do not include or permit screening, stockpiling, or processing of earth on the site except as required by §17–10.2(i)(11) and by special permit under §17–10.2(b)(5) by the Board of Appeals.

The restrictions on earth removal of this section shall not apply to the delivery of material onto a lot and the use of such material in the preparation of the lot for the construction of buildings and accessory uses.

A. Permit Required: No earth, except as otherwise provided herein, shall be removed from any parcel of land in any district in the City without a special permit from the Board of Appeals.

B. Exemptions: The removal of earth material in any of the following operations shall be exempt from the provisions of the section provided, however, that such exemption shall not apply to the removal of earth from hills of significant topographic importance. For the purpose of this ordinance “significant topographic importance” shall mean those naturally occurring mounds of earth and/or rock material which are designated on the most recently published United State Geological Survey (USGS) maps to have their highest elevation equal to or greater than one hundred and eighty (180') feet above mean sea level, or those naturally occurring mounds of earth and/or rock which cannot be contained in their entirety within an area of sixteen (16,000) thousand square feet and consist of slopes equal to or greater than fifteen (15%) percent on which a change of elevation of at least twenty (20') feet occurs.

1. Removal of earth material in connection with the construction of buildings and accessory improvements, including, but not limited to, the installation of septic systems, driveways, walks, parking areas and swimming pools, provided the quantity of material removed shall not exceed that displaced by the portion of the building, or accessory improvement located below the finished grade, and provided that all permits and approvals required by the Inspector of Buildings prior to beginning such construction have been received.

2. Removal of earth material incidental to the grading or landscaping of a single lot, provided said removal does not change the elevation of any portion of said lot by more than two (2') feet and further provided that the amount of earth to be removed or altered does not exceed one hundred and fifty (150) cubic yards. In an
approved subdivision, this exemption shall apply only to the grading and landscaping of individual lots therein
for which a building permit has been issued and shall not be construed as permitting the grading of the entire
land area in the subdivision. Said grading and landscaping shall not result in the raising of the elevation of any
land within the 100–year floodplain district.

3. The removal of earth material, exclusive of the removal permitted under the provisions of paragraphs §17–
10.2(B)(1) EARTH REMOVAL – EXEMPTIONS and §17–10.2(B)(2) EARTH REMOVAL – EXEMPTIONS
immediately above, necessary to complete an approved subdivision, provided said removal does not exceed an
aggregate of four hundred and fifty (450) cubic yards of earth material per one hundred (100') feet of street
length within the street right–of–way width inclusive of any earth material to be removed in association with
the construction of side slopes adjacent to the right–of–way within a 1:3 slope to a maximum horizontal
distance of ten (10') feet, and further provided that said removal is restricted to the moving of earth from one
location to another location within the boundaries of the subdivision.

4. Removal of earth material from an operating farm, nursery, golf course, cemetery, or other similar use, to the
extent that such removal is necessary to the continuing operation of the same. The exemption allowed
hereunder shall apply to existing operations only and shall not be considered to include earth removal that may
be required by new construction or any expansion of current operations.

5. Removal of earth material by or on behalf of the City of Attleboro for the maintenance of its streets, public
utilities or for other purposes which benefit the City. If necessary, temporary processing of earth on site such
as screening, crushing or stockpiling of material may be granted by special permit by the Board of Appeals.

C. Standards for Granting Permit: No permit for the removal of earth shall be granted unless the Board of Appeals
shall find that the proposed earth removal operation shall not be contrary to the best interests of the City. For this
purpose, an earth removal operation shall be considered contrary to the best interests of the City which – (1) will be
injurious or dangerous to the public health and safety, (2) will produce noise, dust or other effects observable at the
lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property, (3) will 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, (4) will have a material adverse effect on the health or safety of persons living in the
neighborhood or on the use or amenities of adjacent land, and (5) will alter an area of significant topographic
significance.

D. Permits in Approved Subdivision: Approval of a preliminary or a definitive subdivision plan by the Planning Board
under the Subdivision Control Law shall not be construed as authorizing the removal of earth from the land
included in the Subdivision Plan, except in accordance with the provisions of this ordinance. Removal of earth from
any such land shall be allowed only in the same manner as removal from other parcels of land in the City.

E. Required Site Plan: Each application for a permit for earth removal shall be accompanied by a site plan prepared by a
Registered Professional Engineer and a Registered Land Surveyor, at a scale of eighty feet to the inch (1”=80') or
larger, indicating the following –

1. Property lines, abutting owners of record, and buildings or other structures within one hundred (100') feet of
site boundaries, adjacent public streets and private ways.
2. Unique features of the area which may be affected by earth removal operations, such as landmarks, exposed ledges of geological significance and control points and bench marks used in triangulation and topographical surveying.

3. Natural features such as water courses, wetlands, 100–year flood plain boundary if present, and ground water elevation. An environmental impact statement may be required by the Board of Appeals if deemed necessary due to the extent of the operation.

4. Topographic mapping showing all existing contours to U.S. Coastal and Geodetic Survey Datum at intervals of not more than two (2') feet and contours of finished grade after the conclusion of the operation.

5. Proper provision of safe and adequate water supply and sanitary sewerage, and for temporary and permanent drainage on the site.

6. Proper provisions for vehicular traffic and control of entrances and exits to public streets and private ways.

7. Delineation of fence locations.

8. A separate key sketch at a scale of one–inch equals two thousand (1"=2,000') feet with a proposed earth removal site shaded to show relation of the surrounding road networks shall be shown on the plan and key sketch shall be in the same direction.

F. Conditions of Permit: In granting a permit for earth removal hereunder, the Board of Appeals shall impose reasonable conditions governing the removal operation. Such conditions shall include, but not be limited to, the following –

1. Removal operations shall not be conducted closer than fifty (50') feet to a public street or private way or to any adjoining property line unless otherwise specifically provided for by the Board of Appeals.

2. The Board of Appeals shall designate hours of operation.

3. Routes of transportation shall be designated. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling from the load, and the operators shall clean up any spillage that does occur on public ways. Access roads leading to public ways shall be treated to reduce dust and the transporting of surface material to the pavement of public ways.

4. Adequate provisions shall be made for drainage during and after completion of operation. No area shall be excavated so as to cause an accumulation of free–standing water unless the Board of Appeals shall permit the creation of a pond in an area not used as a source of drinking water.

5. Lateral support shall be maintained for all adjacent properties and no banks shall be left after completion of operation with a slope that exceeds one–foot of vertical in two–feet of horizontal distance (2:1).
6. Maximum depth of any and all excavations, including excavation associated with proposed stormwater detention/retention basins, channels and swales, shall at all times be at least four \((4')\) feet above the maximum ground water elevation unless the Board of Appeals finds that deeper excavation shall not be injurious to the public health and welfare, in which case limitations on excavations shall be as determined by the Board of Appeals.

7. Off-street parking shall be provided. Any shelters or buildings erected or moved onto the premises for use by personnel or storage of equipment shall be removed from the premises within sixty \((60)\) days after permit expiration date.

8. Any access to excavated area or areas in the process of excavation shall be adequately posted with “Keep Out Danger” signs.

9. During operation, any excavation, quarry, bank or work face having a depth of ten \((10')\) feet or more and/or creating a slope of more than thirty \((30^\circ)\) degrees downward shall be fenced. Such fence shall be located ten \((10')\) feet or more from the edge of said excavation and shall be at least six \((6')\) feet in height.

10. Provision shall be made for the adequate control of dust during operation. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.

11. Topsoil and loam from the site shall be stockpiled on the property and as operations proceed, areas brought to grade shall be covered with at least four inches of topsoil and/or loam and seeded with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization; provided however, that those portions of a site which have been approved by the Board of Appeals as future locations for concrete, bituminous concrete, and/or buildings need not be so covered. Final restoration work shall be completed within six \((6)\) months after expiration or withdrawal of a permit or completion of operation.

12. All tree stumps, boulders, and other residual material shall be disposed of off the site, unless otherwise specifically provided by the Board of Appeals.

G. Period of Permit: Any permit granted for earth removal shall be for a period not to exceed one year. For a continuation of an operation beyond the period designated in the initial permit, a new application must be made and a new permit granted in the same manner as for the initial permit except that the Board of Appeals may waive requirements for the submittal of a site plan. Such waiver must be granted in writing to the applicant by the Board of Appeals. All other provisions relating to operational standards and permit procedures shall apply.

H. Performance Guarantee: The Board of Appeals shall require that a performance guarantee, acceptable to the City Treasurer, be posted in an amount determined by the Board of Appeals to be sufficient to guarantee conformity to the provisions of any permit issued hereunder. Such guarantee shall not be released until there is filed with the Board of Appeals a certification from a Registered Professional Engineer and a Registered Land Surveyor and an approval from the Superintendent of Public Works – Highway Division that the site conditions at the completion of all work are in accordance with the requirements of the permit.
I. Existing Operations: Any earth removal operation which is being lawfully conducted on any premises on the effective date of this ordinance without a permit from the Board of Appeals may continue to be conducted until it is abandoned, but said earth removal operation shall not be extended. Discontinuance of such operation for more than twenty-four (24) consecutive months shall be deemed to constitute abandonment. For the purposes of this section, the abandonment period shall not be broken by temporary operation except when such operation is for a period of at least sixty (60) consecutive days. Any earth removal operation being conducted under a permit issued by the Board of Appeals prior to the effective date of this ordinance may continue until the expiration of said permit.

J. Necessity for Other Permits: Any earth removal and/or grading permitted by this section shall not be deemed to eliminate the need for appropriate authorization for excavation or fill in the Flood Plain District or in any wetland area subject to MGL CH. 131, or for any other permit required by this ordinance or state or federal law.

§17–10.3 MOBILE HOME PARK

A. Permit Required: No mobile home park shall be established or operated in the City unless a special permit has been granted by the Planning Board. Such permit shall be granted prior to the issuance of any license by the Health Department. No mobile home, trailer, or like structure shall be used for living quarters anywhere in the City except within mobile home parks, except that in a case of an emergency or disaster, when so proclaimed by the Mayor, temporary occupancy permits for such use may be granted by the Inspector of Buildings.

B. Required Site Plan: A site plan shall be submitted with each application for a permit for a proposed mobile home park alteration, modification, or extension. Said plan shall be prepared by a Registered Professional Engineer or a Registered Land Surveyor to a scale of one–inch equals eighty–feet (1"=80') and shall indicate the following –

1. All mobile home lots, park streets, playgrounds, and parking areas, including the size and location of mobile homes to be located on the mobile home lots.

2. Required buffer zones, open space, playgrounds, and parking areas.

3. Water courses and other bodies of water, natural or artificial.

4. Existing large trees or other natural features.

5. All abutting land with the names of the owners.

6. The contour of the land involved drawn on a scale of five (5') foot intervals to the U.S. Coastal and Geodetic Survey Datum. In the case of land bordering on or including permanent flowing or standing waters, or where the high ground water elevation is within six (6') feet of the existing or proposed ground surface level the Planning Board may require the plan to show the existing and proposed contours on a scale of two (2') foot intervals.

7. A separate key sketch, at a scale of one–inch equals two–thousand (1"=2,000') feet, showing the relation of the surrounding road networks. North points of the plan and the key shall be in the same direction.
C. Required Site Report: A site report containing the following information shall be required –

1. Location of the nearest public water system. The size of the water main serving the area, the location of existing fire hydrants along any public roads adjacent to that development, and the location of proposed fire hydrants within the mobile home park.

2. The type of sewage disposal system to be provided or intended to be used in the mobile home park, such as individual systems on each lot, community system, or municipal system. Statements shall also specify the location of the nearest municipal sewage system and whether it is available and feasible for use.

3. Statement of existing use of adjacent properties and intended use of adjacent undeveloped lands if known.

4. Certified report of a Registered Professional Engineer indicating the highest known surface water elevations on the mobile home park site in the last ten (10) years.

5. Statement of proposed surface drainage system, including storm drainage flow direction of the mobile home park and adjacent properties and evidence that existing drainage systems, natural or man–made, are of sufficient size to contain maximum runoff from the site without flooding or erosion.

6. Such additional and supplementary information as the Planning Board and the Health Department may request after initial review of the application.

D. Conditions of Permit:

1. No mobile home park shall be less than fifteen (15) acres in area exclusive of park streets and the area provided for recreation, service and other permanent buildings.

2. There shall be no more than eight mobile home lots laid out on each acre, exclusive of park streets and the area provided for recreation service and other permanent buildings.

3. There shall be provided central facilities for recreation and services such as laundry, which shall be available to all mobile home park residents.

4. At least one off–street parking space, substantially equivalent to a 10'x20' rectangle, shall be provided for each mobile home lot.

5. The occupied area of a mobile home lot shall not exceed fifty (50%) percent of the lot area. Occupied area shall mean that total of all area covered by a mobile home and roofed mobile home accessory buildings on a mobile home lot. Not more than one single–family mobile home shall be permitted on each mobile home lot.

6. No mobile home shall be located closer than fifteen (15') feet to the nearest mobile home lot line or park street, and no mobile home accessory building closer than ten (10') feet to such a lot line or park street except as specifically authorized by the Planning Board in a cluster or other arrangement deemed by that agency to be suited to the terrain or other considerations. Each mobile home shall be located with at least a thirty (30') foot setback from any abutting public street or highway.
7. Collector streets shall conform to standards set forth in the Planning Board’s most recent Rules and Regulations Governing the Subdivision of Land in Attleboro, as amended, relative to construction and paving of streets in subdivision in the City and shall have direct connection to a public street or highway. Mobile home park streets connected to collector streets shall be not less than thirty (30') feet in width and shall conform to standards of the Attleboro Public Works Department – Highway Division and be approved by the Superintendent of Public Works – Highway Division with regard to grading, contours and traveled surface. Mobile home park streets shall have a turnaround at their terminus with a radius of no less than thirty (30') feet. The maintenance of collector and park streets shall be the responsibility of the mobile home owner operator. All site construction, including the construction of streets, shall be subject to inspection by and approval of the Superintendent of Public Works – Highway Division.

8. Each mobile home lot within a mobile home park shall have a frontage of at least fifty (50') feet on a park street.

9. No mobile home lot shall be located within one hundred (100') feet of any stream, lake, or other water, except where public sewage facilities are available and utilized and the location will not present a potential flood hazard.

10. No permit shall be granted for establishing or developing a mobile home park unless a connection is made to a municipal water supply system and all units within the mobile home park connected to it. A private water system for use in a central laundry or other similar use may be permitted at the discretion of the Health Department.

11. Where a public sewage system is available at or within the boundary of the mobile home park site, connection shall be made thereto so to serve all mobile home and permanent buildings within that mobile home park.

12. Mobile homes shall not be stored or displayed on mobile home park premises except when mounted on a pad on a lot. New mobile homes displayed for sale by the mobile home park owner or operator must be sold for use within that mobile home park. Used mobile homes offered for sale by individual mobile home owners must be displayed on a pad on a lot within that mobile home park, but may be sold either for use within that mobile home park to an individual, the mobile home park owner or operator, or for use outside that mobile home park. The mobile home park owner or operator, may also display those used units on a pad on a lot for resale within that mobile home park premises. Nothing in this paragraph shall be construed as permitting the storage of unoccupied units in any mobile home park for sale in the ordinary course of business, or as inventory, or the sale of such units except in those zoning districts as determined by this ordinance wherein such commercial activity is permissible with or without permits from the proper authority.

13. The developer shall provide for a buffer zone of at least thirty (30') feet with appropriate vegetation, between the mobile home park and any adjacent property and shall establish a similar thirty (30') foot buffer where such mobile home park shall be adjacent to any highway or road.
§17–10.4 HOME OCCUPATION

A. Purpose: A business operating in a residential dwelling shall be defined as a home occupation business. Such businesses shall include catering, dressmaking, fine arts studios, insurance, real estate, offices for architects, engineers, land surveyors, lawyers, and medical professionals, and other uses not herein specified but consistent with the purpose and intent of this section.

B. Permit Required: A special permit from the Board of Appeals shall be required for the use of a dwelling in any residential district as a home occupation business except as otherwise provided herein.

C. Conditions of Special Permit: In addition to the requirements of §17–9.0 SPECIAL PERMITS, the following conditions shall also apply—

1. The home occupation business is carried on strictly within the principal building, unless otherwise authorized by the Board of Appeals.

2. No more than two non–residents shall be employed therein.

3. In the case of musical instruction, no more than one pupil shall receive instruction at a given time.

4. No more than forty (40%) percent of the existing gross floor area of the principal building, or, in any other situation, no more than six hundred (600) square feet is devoted to such use.

5. No display of supplies, goods, or wares shall be visible from the street.

6. No advertising on the premises will be permitted other than a single, non–illuminated sign not to exceed one square foot in area, and carrying only the occupant’s name and occupation.

7. The building and premises shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance of the building.

8. The principals of the building shall not permit any emissions of odor, gas, smoke, dust, noise, electrical or magnetic disturbances, or any other nuisances to be discharged from the building. Moreover, in any multifamily dwelling the home occupation business shall not be objectionable or detrimental to any other occupant of the dwelling.

9. The building in which the home occupation business is located shall not contain or include any exterior design feature that is not customary of buildings located in residential use districts.

10. No more than one commercial vehicle in connection with the home occupation business shall be stored on the premises. An off–street parking space, located behind the required principal building setback line, shall be provided for any such commercial vehicle.

11. The proposed use shall have suitable off–street parking.

12. The special permit shall not be transferable.
D. Period of Permit: A special permit granted for a home occupation business shall be for a period not to exceed five (5) years.

E. Exemption: The establishment of a home occupation business in a residential zoning district may be exempt from the provisions of §17–10.4 HOME OCCUPATION of the ZONING ORDINANCE provided that such home businesses are limited to – (a) home office business that entails the use of typical office equipment such as computers, facsimile machine, copiers, telephones and other similar office equipment, (b) bookkeeping, (c) computer programming, computer assisted graphic design, web site design, and (d) the use of a home address for the purpose of a business office address, and similar uses not herein specified but consistent with the general purpose and range of permitted uses in this section as determined by the Inspector of Buildings. Further provided that –

1. No non–resident of the dwelling unit shall be employed in the home business.

2. No client, customers, business associates or employees shall conduct face–to–face business at the site at anytime.

3. No deliveries of parcels, mail, equipment or materials by the US Postal Service or any private courier or company shall be made to the site at a greater volume and frequency than is common to a residential use.

4. No on–site or off–site advertising intended to direct customers to the home address.

5. No commercial vehicles, equipment or materials associated with the home occupation business shall be stored for anytime at the site.

6. No vehicles associated with the home occupation business having business signage or displaying advertising shall be parked within the front building setback line.

7. No building or premises shall render objectionable or detrimental the residential character of the neighborhood or be a nuisance to the neighborhood due to anything associated with the home occupation business. This includes other occupants of a multi–family dwelling if the home occupation is located in such.

8. No building or premises shall contain or include any exterior design feature that is not customary of buildings located in a residential zoning district.

§17–10.5 OPEN SPACE RESIDENTIAL DEVELOPMENT – STANDARD DESIGN

A. Purpose and Intent: The purpose and intent of this section of the ZONING ORDINANCE are as follows:

1. To allow for greater flexibility and creativity in the design of residential developments.

2. To encourage the permanent preservation of open space, wildlife habitat, and other resources including aquifers, water bodies and wetlands, and historical and archaeological areas.
3. To promote a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features.

4. To minimize the total amount of disturbance on the site.

5. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

B. Eligibility and Authority: Any proposed development site containing five (5) or more acres within any “R” zoning district shall be eligible to use the provisions pursuant to §17–10.5 OPEN SPACE RESIDENTIAL DEVELOPMENTS – STANDARD DESIGN as an alternative to a conventional subdivision subject to the requirements of this section of the ZONING ORDINANCE.

1. Contiguous Parcels: To be eligible for consideration as a standard design open space residential development, the tract shall consist of a contiguous parcel. The open space parcel property shall still be considered contiguous if it is separated by a, trail, path or other non–obstructive easement.

2. Land Division: The proposed development may be a subdivision pursuant to MGL Ch. 41 SUBDIVISION CONTROL LAW provided, however, a standard design open space residential development may also be permitted when the property is held in condominium, cooperative ownership or other form where the property is not subdivided.

3. Where a site may cross zoning boundaries, the standard design open space residential development shall be restricted to land in the “R” zoning districts.

C. Allowable Uses: The following uses are allowable by–right for a standard design open space residential development subject to all applicable requirements of this section. Where any conflicts occur between the permitted uses listed below and those listed in §17–3.4 TABLE OF USE REGULATIONS, the provisions contained in this section shall prevail. All other uses not specifically listed below shall be governed accordingly by §17–3.4 TABLE OF USE REGULATIONS.

1. In the “Single Residence” zoning districts, permitted uses in a standard design open space residential development shall only include single–family dwellings.

2. In the “General Residence” zoning districts, permitted uses in a standard design open space residential development may include single–family dwellings, two–family dwellings, and multi–family dwellings with a maximum of five (5) consecutive attached units.

D. Design Standards: The following design standards shall apply to all standard design open space residential development plans and govern the development and design process:

1. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

2. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest. The intention of reduced setback requirements is to afford designers flexibility in the layout of the lots to encourage, for example, staggered alignment of dwellings and the articulation of individual units within a two–family or multi–family dwelling.
3. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.

4. The development shall be designed to be visually harmonious with, and complement, the natural features that are to be preserved. Such design shall be achieved through the appropriate siting of dwellings, the creation of “no–cut” buffers, or other methods.

5. Protected Open Space shall have physical and legal access of not less than ten (10') feet in width from a street. Stone bounds shall be installed to demarcate all boundaries between Protected Open Space and private lots within the proposed development.

6. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

E. Dimensional Requirements: The following dimensional requirements shall apply to standard design open space residential developments. Where these requirements differ from those in §17–4.0 DIMENSIONAL AND DENSITY REGULATIONS, the provisions pursuant to this section shall prevail.

1. Building Height: Maximum building height shall be 2.5 stories.

2. Lot Frontage: Minimum frontage shall be fifty (50') feet. Lots having reduced area shall not have frontage on a street other than a street within the standard design open space residential development.

3. Lot Width: Minimum lot width shall be fifty (50') feet.

4. Lot Area: Minimum lot area shall be 5,000 square feet. Where multiple units are located on an individual lot, said lot shall contain at least 2,500 square feet for each additional unit.

5. Lot Coverage: Maximum lot coverage shall be fifty (50%) percent.

6. Yard Setbacks for Principal Structures: Principal structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of ten (10') feet, and a minimum rear yard setback of ten (10') feet.

7. Yard Setbacks for Accessory Structures: Detached accessory structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of four (4') feet, and a minimum rear yard setback of four (4') feet.

F. Protected Open Space:

1. Minimum Protected Open Space Requirement. A minimum of fifty percent (50%) percent of the site’s total land area shall be Protected Open Space. At least fifty (50%) percent of the site’s total wetland area and at least last fifty (50%) percent of the site’s total upland area shall be set aside as Protected Open Space. A sample calculation is provided below:
Sample Calculation

Existing Conditions:
20–acre site with 12 acres of upland and 8 acres of wetland

Protected Open Space Minimum Requirements:
50% of the site’s total land area = 10 acres
50% of the site’s total upland area = 6 acres
50% of the site’s total wetland area = 4 acres

Therefore, the protected open space shall consist of at least ten (10) acres of which at least six (6) acres are upland and at least four (4) acres are wetlands.

2. Protected Open Space shall be one (1) contiguous parcel and boundaries shall be configured to avoid narrow strips of land in order to maximize the parcel’s utility as wildlife habitat. A parcel of Protected Open Space shall still be considered contiguous even if it is separated by a trail, a path, a non–obstructive easement, or by site design features that in the opinion of the Planning Board better serve the purpose of maximizing wildlife habitat within the proposed development or in combination with abutting conservation land on a neighboring site. To provide pedestrian or wildlife corridors, narrow strips of land may be permitted for the purpose of connecting non–contiguous parcels of conservation land.

3. Protected Open Space may be used for wildlife habitat, conservation, historic preservation, outdoor education, passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.

4. Wastewater and stormwater management systems serving a standard design open space residential development may be located within Protected Open Space. Surface systems, such as retention and detention ponds, and the easements that encumber them, shall not qualify towards the minimum open space requirement.

5. Ownership of Protected Open Space: The Protected Open Space shall, at the Planning Board’s determination, be conveyed to:

   a. the City or its Conservation Commission; or
   
   b. a non–profit organization, a principal purpose of which is the conservation of open space;

6. Description of Restriction on Protected Open Space: Protected open space, unless conveyed to the City or its Conservation Commission, shall be subject to a permanent Conservation Restriction in accordance with MGL Ch. 184 §31 and §32, approved by the Planning Board and enforceable by the City, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and enforceable by the City.
7. Maintenance of Protected Open Space: In any case where Protected Open Space is not conveyed to the City or to the Conservation Commission, the City shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the City may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the City shall be assessed against the properties within the development and/or to the owner of the open space. The City may file a lien against the lot or lots to ensure payment of such maintenance.

G. Relationship to Planning Board Rules and Regulations Governing the Subdivision of Land, as amended. Standard design open space residential development applications are allowed by–right pursuant to MGL Ch. 41 Subdivision Control Law and the Planning Board Rules and Regulations Governing the Subdivision of Land, as amended. Where the provisions contained herein impose greater or additional requirements than those contained in the Planning Board’s Rules and Regulations Governing the Subdivision of Land, as amended, the requirements contained herein shall prevail.

H. Filing Application: The filing of a preliminary or definitive subdivision application for a proposed standard design open space residential development shall comply with the applicable sections of the Planning Board’s Rules and Regulations Governing the Subdivision of Land, as amended. The filing of a preliminary plan is encouraged prior to the filing of a definitive plan of a subdivision in order to address any issues or questions and to determine the feasibility of the site design concept before detailed engineering design is performed. The following are the application filing requirements:

1. Four–Step Design Process: At the time of the application for the standard design open space residential development, the petitioner shall demonstrate to the Planning Board that the following design process was performed, in the order so prescribed, by a multidisciplinary team of qualified professionals to determine the layout of proposed streets, house lots, unit placement if multi–family, including designation of all common areas and open space.

   a. Identifying Conservation Areas: Identify preservation land by two steps. First, Primary Conservation Areas (such as ANRAD–verified wetlands, riverfront areas, and floodplains regulated by local, state, or federal law) and Secondary Conservation Areas (including otherwise unprotected elements of the natural landscape deemed to be valuable such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area of the site shall consist of land outside identified Primary and Secondary Conservation Areas to the greatest extent practicable.

   b. Locating Residential Uses: Locate the approximate sites of residential structures within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.

   c. Designing and Locating Streets and Trails: Design and locate streets and trails to access the house lots or units in such a manner so as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas located on or off the subject parcel. New trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

   d. Configuring Lot Lines: Draw lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.
2. Existing Conditions Plan:

a. Regional Locus – A locus plan locating the site on the most recent USGS quadrangle map that includes a one-half (0.5) mile radius around the site.

b. Site Locus – A plan showing the following site elements on a single sheet:

1. location and dimensions of lot boundaries;
2. identification of the underlying zoning district(s), location of the zoning line(s), and any overlay districts;
3. location and dimensions of adjacent rights-of-way or other means of access to the site;
4. location and owners’ names of all abutting properties including properties across the street from the subject premises;
5. footprint of existing structures;
6. location and dimensions of any easements, right-of-ways, restrictive covenants and any other restrictions connected with the site;

c. Primary Conservation Areas – The location of the following site features:

1. ANRAD–verified wetlands, vernal pools, 100-year floodplain, surface waterbodies, and any other resource areas, as well as the twenty-five (25') foot wetlands protection zone pursuant to the LOCAL WETLANDS ORDINANCE (Chapter 18 of the REvised ORдинANces OF THE CITY OF ATTLEBORO, as amended);
2. areas within the jurisdiction of the Massachusetts Endangered Species Act (MESA);
3. areas identified as having historic or archaeological significance;

d. Secondary Conservation Area – The location of the following site features:

1. buffers to wetlands or surface waterbodies pursuant to the WETLANDS PROTECTION ACT (MGL Ch. 131, §40);
2. slopes fifteen (15%) percent or greater;
3. existing stone walls;
4. scenic vistas including established meadows;
5. trees that measure over twelve (12") inches at diameter at breast height;
6. rock outcrops;
7. existing trails;
e. Potentially Developable Area – A clearly delineated building envelope of the entire site that does not include any Primary Conservation Areas and avoids Secondary Conservation Areas to the greatest extent practicable.

3. Yield Plan: The maximum number of allowable lots and allowable dwelling units shall be derived from a Yield Plan. The Yield Plan shall show a conventional subdivision layout conforming to the applicable provisions of the ZONING ORDINANCE and RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, to show the maximum number of lots and dwelling units that could be placed upon the site by-right under a conventional subdivision approach. No land that is unusable for building due to being subject to an easement, or otherwise legally restricted, shall be included in the calculation of land available for development. The petitioner shall have the burden of proof to demonstrate that the maximum number of lots and dwelling units resulting from the design and engineering specifications shown on the yield plan is feasible.

The number of lots shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Lot Maximum (YPLM). The number of dwelling units shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Unit Maximum (YPUM).

The Yield Plan shall contain, at a minimum, the following information:

a. parcel boundaries, north arrow, date, legend, title “Yield Plan”, and scale;

b. the name and address of the record owner(s), the applicant, and the design engineer and/or land surveyor that prepared the plan;

c. the names, approximate location, and widths of adjacent streets;

d. existing topography at two (2') foot contour intervals;

e. soils map using NRCS soil survey information;

f. all on-site local, state, and federal regulatory resource boundaries (such as wetlands, floodplain, vernal pools) and buffer zones;

g. lot lines with lot dimensions and land area, or unit locations and footprint and proposed common areas;

h. location and dimensions of rights–of–way and stormwater management systems;

i. if available, the location and results of any test pit investigations for soil profiles, percolation rates, and determination of seasonal high groundwater table;

4. Proposed Conditions Plan: The number of lots in the Proposed Conditions Plan shall not exceed the Yield Plan Lot Maximum (YPLM). The number of units in the Proposed Conditions Plan shall not exceed the Yield Plan Unit Maximum (YPUM).

The Proposed Conditions Plan shall contain, at a minimum, the following information:

a. the proposed topography of the land shown at a minimum contour interval of two (2') feet; elevations shall be referred to mean sea level;
b. the existing and proposed lines of streets, ways, driveways, and easements;

c. proposed street grades;

d. a detailed narrative explanation of the characteristics, as well as the proposed quantity, use and ownership of the open space;

e. all proposed landscaped and buffer areas shall be noted on the plan and explained in a detailed narrative;

f. a summary of the number of single family, two-family, and multi-family units;

g. architectural elevations for each housing type proposed as part of the standard design open space residential development;

h. a list of all legal documents necessary for implementation of the proposed development, including any conservation restrictions, land transfers, and easements relating to public infrastructure;

§17–10.6 OPEN SPACE RESIDENTIAL DEVELOPMENTS – AFFORDABLE HOUSING

A. Purpose and Intent: In addition to those purposes listed in §17–10.5(A) OPEN SPACE RESIDENTIAL DEVELOPMENTS – STANDARD DESIGN, the purpose of this section is to provide incentives as an opportunity for the integration of well-designed affordable housing into open space residential developments.

B. Eligibility and Authority: Any development having eligibility pursuant to the provisions of §17–10.5(B) OPEN SPACE RESIDENTIAL DEVELOPMENTS – STANDARD DESIGN with respect to the size of the development site and its location in an “R” zoning district shall also have eligibility pursuant to the provisions of §17–10.6 OPEN SPACE RESIDENTIAL DEVELOPMENTS – AFFORDABLE HOUSING. An affordable housing open space residential development may only be allowed by special permit.

C. Allowable Uses: The following uses are permitted through the special permit for an affordable housing open space residential development subject to all applicable requirements of this section. Where any conflicts occur between the permitted uses listed below and those listed in §17–3.4 TABLE OF USE REGULATIONS, the provisions contained in this section shall prevail. All other uses not specifically listed below shall be governed accordingly by §17–3.4 TABLE OF USE REGULATIONS.

1. In the “Single Residence” zoning districts, permitted uses in an affordable housing open space residential development may include single–family dwellings and two–family dwellings.

2. In the “General Residence” zoning districts, permitted uses in an affordable housing open space residential development may include single–family dwellings, two–family dwellings, and multi–family dwellings with a maximum of five (5) consecutive attached units.
D. Design Standards: The following design standards shall apply to all affordable housing open space residential development plans and govern the development and design process:

1. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

2. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest. The intention of reduced setback requirements is to afford designers flexibility in the layout of the lots to encourage, for example, staggered alignment of dwellings and the articulation of individual units within a two–family or multi–family dwelling.

3. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.

4. The development shall be designed to be visually harmonious with, and complement, the natural features that are to be preserved. Such design shall be achieved through the appropriate siting of dwellings, the creation of “no–cut” buffers, or other methods.

5. Protected Open Space shall have physical and legal access of not less than ten (10') feet in width from a street. Stone bounds shall be installed to demarcate all boundaries between Protected Open Space and private lots within the proposed development.

6. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

E. Dimensional Requirements: The following dimensional requirements shall apply to affordable housing open space residential developments. Where these requirements differ from those in §17–4.0 DIMENSIONAL AND DENSITY REGULATIONS, the provisions pursuant to this section shall prevail.

1. Building Height: Maximum building height shall be 2.5 stories.

2. Lot Frontage: Minimum frontage shall be fifty (50') feet. Lots having reduced area shall not have frontage on a street other than a street within the affordable housing open space residential development.

3. Lot Width: Minimum lot width shall be fifty (50') feet.

4. Lot Area: Minimum lot area shall be 5,000 square feet. Where multiple units are located on an individual lot, said lot shall contain at least 2,500 square feet for each additional unit.

5. Lot Coverage: Maximum lot coverage shall be fifty (50%) percent.

6. Yard Setbacks for Principal Structures: Principal structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of ten (10') feet, and a minimum rear yard setback of ten (10') feet.
7. Yard Setbacks for Accessory Structures: Detached accessory structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of four (4') feet, and a minimum rear yard setback of four (4') feet.

F. Protected Open Space:

1. Minimum Protected Open Space Requirement. A minimum of fifty percent (50%) percent of the site’s total land area shall be Protected Open Space. At least fifty (50%) percent of the site’s total wetland area and at least last fifty (50%) percent of the site’s total upland area shall be set aside as Protected Open Space. A sample calculation is provided below:

**Sample Calculation**

Existing Conditions:
20–acre site with 12 acres of upland and 8 acres of wetland

Protected Open Space Minimum Requirements:
- 50% of the site’s total land area = 10 acres
- 50% of the site’s total upland area = 6 acres
- 50% of the site’s total wetland area = 4 acres

Therefore, the protected open space shall consist of at least ten (10) acres of which at least six (6) acres are upland and at least four (4) acres are wetlands.

2. Protected Open Space shall be one (1) contiguous parcel and boundaries shall be configured to avoid narrow strips of land in order to maximize the parcel’s utility as wildlife habitat. A parcel of Protected Open Space shall still be considered contiguous even if it is separated by a trail, a path, a non–obstructive easement, or by site design features that in the opinion of the Planning Board better serve the purpose of maximizing wildlife habitat within the proposed development or in combination with abutting conservation land on a neighboring site. To provide pedestrian or wildlife corridors, narrow strips of land may be permitted for the purpose of connecting non–contiguous parcels of conservation land.

3. Protected Open Space may be used for wildlife habitat, conservation, historic preservation, outdoor education, passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.

4. Wastewater and stormwater management systems serving a *standard design open space residential development* may be located within Protected Open Space. Surface systems, such as retention and detention ponds, and the easements that encumber them, shall not qualify towards the minimum open space requirement.

5. Ownership of Protected Open Space: The Protected Open Space shall, at the Planning Board’s determination, be conveyed to:

   a. the City or its Conservation Commission; or

   b. a non–profit organization, a principal purpose of which is the conservation of open space;
6. Description of Restriction on Protected Open Space: Protected open space, unless conveyed to the City or its Conservation Commission, shall be subject to a permanent Conservation Restriction in accordance with MGL Ch. 184 §31 and §32, approved by the Planning Board and enforceable by the City, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and enforceable by the City.

7. Maintenance of Protected Open Space: In any case where Protected Open Space is not conveyed to the City or to the Conservation Commission, the City shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the City may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the City shall be assessed against the properties within the development and/or to the owner of the open space. The City may file a lien against the lot or lots to ensure payment of such maintenance.

G. Increase in Number of Allowable Units – Density Bonus:

1. Inclusion of one or more dwelling units restricted in perpetuity to occupancy by low–income to moderate–income households shall entitle a petitioner to additional market rate dwelling units. The number of units restricted to low–income to moderate–income units shall be referred to as the Number of Affordable Units (NAU) and shall be counted as part of the Yield Plan Unit Maximum (YPUM). The number of additional market rate units allowed shall be referred to as the Density Bonus (DB). The Density Bonus shall equal two market rate units for everyone one affordable unit, but in no instance shall the Density Bonus be greater than twenty–five (25%) percent of the YPUM.

   The Density Bonus shall be calculated as the lesser of the following:

   a. 2 x NAU;

   b. 0.25 x YPUM, rounded down to the nearest whole number;

   Example 1: If the YPUM is twenty (20) units, and one (1) of those original twenty (20) units is restricted in perpetuity to occupancy by a low–income to moderate–income household, the petitioner is granted a Density Bonus of two (2) units. In this scenario, there would be twenty–one (21) market rate units and one (1) affordable unit.

   Example 2: If the YPUM is twenty (20) units, and three (3) of those original twenty (20) units are restricted in perpetuity to occupancy by a low–income to moderate–income household, the petitioner is granted a Density Bonus of five (5) units. In this scenario, there would be twenty–two (22) market rate units and three (3) affordable units.

2. The units added under the Density Bonus must be identified on the Proposed Conditions Plan and must be of the same building type as the affordable units.
H. Special Permit Procedures: The procedures for the special permit are subject to the provisions pursuant to §17–9.0 SPECIAL PERMITS with the exception of the site plan requirements, which are subject to the provisions contained in §17–10.6(K) FILING APPLICATION.

I. Criteria for Granting Special Permit: The Planning Board may grant, grant with conditions, or deny a special permit application for an affordable housing open space residential development. The Planning Board may grant a special permit pursuant to the provisions of §17–9.0 SPECIAL PERMITS and based on the following criteria:

1. The application complies with all applicable sections of the ZONING ORDINANCE.

2. The application achieves greater flexibility and creativity as compared to the design of a conventional subdivision.

3. The application promotes permanent preservation of open space and other natural resources including waterbodies, wetlands, and historical and archaeological resources.

4. The application promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features as compared to the design of a conventional subdivision.

5. The application minimizes the total amount of disturbance on the site.

6. The application provides for well–designed access to open space amenities and pedestrian connections.

7. The application complies with the design standards pursuant to the provisions of §17–10.6(D) DESIGN STANDARDS.

8. The application facilitates the design, construction, and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

9. The application does not create any undue risk to public health, safety, and welfare.

10. The application complies with the affordable housing provisions contained in this section.

J. Relationship Between Special Permit for an Affordable Housing Open Space Residential Development and the PLANNING BOARD RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended: Where provisions contained herein impose greater or additional requirements than those contained in the Planning Board’s RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, the requirements contained herein shall prevail. A special permit application for an affordable housing open space residential development may be filed concurrently with, or prior to, the filing of a preliminary or definitive subdivision plan. When filed concurrently, the Planning Board shall act separately on the applications. The denial of the special permit shall preclude the approval of the preliminary or definitive subdivision plan. However, the grant of the special permit shall not imply the approval of the preliminary or definitive subdivision plan. Each action may include conditions and modifications. Should the special permit application for an affordable housing open space residential development be filed and granted prior to the filing
of a preliminary or definitive subdivision plan, the Planning Board shall review the preliminary or definitive subdivision plan to determine whether there is any variation from the approved special permit. If the Planning Board determines that a substantial variation exists, the petitioner shall be required to amend the special permit pursuant to §17–9.2 HEARINGS: ACTION prior to the approval of the definitive subdivision plan. A substantial variation shall constitute of the following:

1. An increase in the number of building lots and/or units.

2. A change in the proposed number of units to be restricted for low–income to moderate–income households.

3. A change in the open space that would result in non–compliance with the provisions pursuant to §17–10.6(F) OPEN SPACE.

4. Changes in the roadway, open space, and/or house lot layout or unit placement that would consume more than five (5%) percent or 10,000 square feet (the lesser amount) of the Primary or Secondary Conservation Areas identified as part of the four–step design process.

5. Changes to the design that would cause non–compliance with any of the design standards pursuant to the provisions of §17–10.6(D) DESIGN STANDARDS.

K. Filing Application: The filing of a preliminary or definitive subdivision application for a proposed affordable housing open space residential development shall comply with the applicable sections of the Planning Board’s RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended. The filing of a preliminary plan is encouraged prior to the filing of a definitive plan of a subdivision in order to address any issues or questions and to determine the feasibility of the site design concept before detailed engineering design is performed. The following are the application filing requirements:

1. Four–Step Design Process: At the time of the application for the affordable housing open space residential development, the petitioner shall demonstrate to the Planning Board that the following design process was performed, in the order so prescribed, by a multidisciplinary team of qualified professionals to determine the layout of proposed streets, house lots, unit placement if multi–family, including designation of all common areas and open space.

   a. Identifying Conservation Areas: Identify preservation land by two steps. First, Primary Conservation Areas (such as ANRAD–verified wetlands, riverfront areas, and floodplains regulated by local, state, or federal law) and Secondary Conservation Areas (including otherwise unprotected elements of the natural landscape deemed to be valuable such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area of the site shall consist of land outside identified Primary and Secondary Conservation Areas to the greatest extent practicable.

   b. Locating Residential Uses: Locate the approximate sites of residential structures within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community.
c. Designing and Locating Streets and Trails: Design and locate streets and trails to access the house lots or units in such a manner so as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas located on or off the subject parcel. New trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

d. Configuring Lot Lines: Draw lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

2. Existing Conditions Plan:

a. Regional Locus – A locus plan locating the site on the most recent USGS quadrangle map that includes a one–half (0.5) mile radius around the site.

b. Site Locus – A plan showing the following site elements on a single sheet:
   1. location and dimensions of lot boundaries;
   2. identification of the underlying zoning district(s), location of the zoning line(s), and any overlay districts;
   3. location and dimensions of adjacent rights–of–way or other means of access to the site;
   4. location and owners’ names of all abutting properties including properties across the street from the subject premises;
   5. footprint of existing structures;
   6. location and dimensions of any easements, right–of–ways, restrictive covenants and any other restrictions connected with the site;

c. Primary Conservation Areas – The location of the following site features:
   1. ANRAD–verified wetlands, vernal pools, 100–year floodplain, surface waterbodies, and any other resource areas, as well as the twenty–five (25') foot wetlands protection zone pursuant to the LOCAL WETLANDS ORDINANCE (Chapter 18 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended);
   2. areas within the jurisdiction of the Massachusetts Endangered Species Act (MESA);
   3. areas identified as having historic or archaeological significance;

d. Secondary Conservation Area – The location of the following site features:
   1. buffers to wetlands or surface waterbodies pursuant to the WETLANDS PROTECTION ACT (MGL Ch. 131, §40);
   2. slopes fifteen (15%) percent or greater;
3. existing stone walls;

4. scenic vistas including established meadows;

5. trees that measure over twelve (12") inches at diameter at breast height;

6. rock outcrops;

7. existing trails;

e. Potentially Developable Area – A clearly delineated building envelope of the entire site that does not include any Primary Conservation Areas and avoids Secondary Conservation Areas to the greatest extent practicable.

3. Yield Plan: The maximum number of allowable lots and allowable dwelling units shall be derived from a Yield Plan. The Yield Plan shall show a conventional subdivision layout conforming to the applicable provisions of the ZONING ORDINANCE and the RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, to show the maximum number of lots and dwelling units that could be placed upon the site by–right under a conventional subdivision approach. No land that is unusable for building due to being subject to an easement, or otherwise legally restricted, shall be included in the calculation of land available for development. The petitioner shall have the burden of proof to demonstrate that the maximum number of lots and dwelling units resulting from the design and engineering specifications shown on the Yield Plan is feasible.

The number of lots shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Lot Maximum (YPLM). The number of dwelling units shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Unit Maximum (YPUM).

The Yield Plan shall contain, at a minimum, the following information:

a. parcel boundaries, north arrow, date, legend, title “Yield Plan”, and scale;

b. the name and address of the record owner(s), the applicant, and the design engineer and/or land surveyor that prepared the plan;

c. the names, approximate location, and widths of adjacent streets;

d. existing topography at two (2') foot contour intervals;

e. soils map using NRCS soil survey information;

f. all on–site local, state, and federal regulatory resource boundaries (such as wetlands, floodplain, vernal pools) and buffer zones;

g. lot lines with lot dimensions and land area, or unit locations and footprint and proposed common areas;

h. location and dimensions of rights–of–way and stormwater management systems;

i. if available, the location and results of any test pit investigations for soil profiles, percolation rates, and determination of seasonal high groundwater table;
4. Proposed Conditions Plan: The number of units in the Proposed Conditions Plan shall not exceed the sum of the Yield Plan Unit Maximum (YPUM) and the Density Bonus. The number of lots in the Proposed Conditions Plan shall not exceed the sum of the Yield Plan Lot Maximum (YPLM) and the number of lots necessary to build the additional units allowed under the Density Bonus.

The Proposed Conditions Plan shall contain, at minimum, the following information:

a. the proposed topography of the land shown at a minimum contour interval of two \(2\) feet; elevations shall be referred to mean sea level;

b. the existing and proposed lines of streets, ways, driveways, and easements;

c. proposed street grades;

d. a detailed narrative explanation of the characteristics, as well as the proposed quantity, use and ownership of the open space;

e. all proposed landscaped and buffer areas shall be noted on the plan and explained in a detailed narrative;

f. a summary of the number of single family, two–family, and multi–family units;

g. architectural elevations for each housing type proposed as part of the affordable housing open space residential development;

h. a list of all legal documents necessary for implementation of the proposed development, including any conservation restrictions, land transfers, and easements relating to public infrastructure;

i. location of each affordable housing unit;

j. location of each Density Bonus unit;

L. Affordable Housing Restrictions:

1. As a condition of any special permit issued pursuant to this section, the petitioner shall be required to execute an affordable housing deed restriction and/or contractual agreement, in a form acceptable to the Planning Board, which restricts the sales price of such units in perpetuity to assure their affordability. The special permit shall not be exercised until the petitioner records the restriction at the Registry of Deeds.

2. The petitioner shall demonstrate that the restriction is consistent with the Massachusetts Department of Housing and Community Development’s (DHCD) regulations and guidelines under MGL CH. 40B. Each affordable unit created in accordance with this section shall have limitations governing its sale and resale. The purpose of these limitations is to preserve the long–term affordability of the unit and to ensure its continued availability for low–income and moderate–income households. The sale controls shall be established through a restriction on the property and shall be in force in perpetuity.

a. Eligibility for Affordable Housing Units: Prior to any sale, the buyer shall be determined to be income–eligible by the Attleboro Office of Community Development in accordance with the definitions for low–income and moderate–income housing pursuant to §17–11.0 DEFINITIONS. The U.S. Department of Housing and Urban Development’s income guidelines that are in effect at the time of sale shall serve as the criteria to determine income eligibility.
b. Sale Price of Affordable Housing Units: In an effort to maintain the affordability of a property for the life of the property under this subsection and to help low–income and moderate–income individuals gain wealth, the (re)sale formula, administered by the Attleboro Office of Community Development, allows each homeowner of an affordable housing unit the opportunity to earn a profit on the home while still allowing the home to be affordable for the next homeowner. The (re)sale formula calculates the sales price of an affordable housing unit based upon the current fair market value, the profit from the previous owner, and the income status of the current buyer to produce a discounted purchase price.

3. All affordable units constructed under this section shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market rate units. The location of the affordable units shall be identified on the proposed definitive subdivision plan.

4. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market rate units.

5. Affordable housing units shall be constructed concurrent to the construction of the market rate units in accordance with the minimum requirement schedule outlined below. In calculating the number of building permits required for affordable units, a fraction equal to or greater than 0.5 shall be rounded up to the nearest whole number.

<table>
<thead>
<tr>
<th>Market Rate Housing Units</th>
<th>Affordable Housing Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of Building Permits Issued</td>
<td>Required Minimum Percentage of Concurrent Building Permits Issued</td>
</tr>
<tr>
<td>&lt; 30%..............................................................0%</td>
<td></td>
</tr>
<tr>
<td>≥ 30% and &lt; 50%.............................25%</td>
<td></td>
</tr>
<tr>
<td>≥ 50% and &lt; 75%............................50%</td>
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<td></td>
</tr>
<tr>
<td>≥ 90%.........................................................100%</td>
<td></td>
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</tbody>
</table>

§17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENT – GREEN DESIGN

A. Purpose and Intent: In addition to those purposes listed in §17–10.5(A) OPEN SPACE RESIDENTIAL DEVELOPMENTS – STANDARD DESIGN, the purpose of this section is to provide incentives as an opportunity for the integration of green design into open space residential developments, as follows:

1. Provide incentives to develop healthy residential neighborhoods that are energy efficient and, by using specifically prescribed design standards, decrease non–renewable fuel consumption and carbon emissions.

2. Provide well–designed green neighborhoods that are compact, walkable, and economically viable.

3. Provide opportunities to integrate attractive residential, open space, and environmentally–friendly amenities into proposed residential developments that will increase the quality of life of the residents therein.
B. Eligibility and Authority: Any development having eligibility pursuant to the provisions of §17–10.5(B) OPEN SPACE RESIDENTIAL DEVELOPMENTS – STANDARD DESIGN with respect to the size of the development site and its location in an “R” zoning district shall also have eligibility pursuant to the provisions of §17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENTS – GREEN DESIGN. A green design open space residential development may only be allowed by special permit.

C. Allowable Uses: The following uses are permitted through the special permit for a green design open space residential development subject to all applicable requirements of this section. Where any conflicts occur between the permitted uses listed below and those listed in §17–3.4 TABLE OF USE REGULATIONS, the provisions contained in this section shall prevail. All other uses not specifically listed below shall be governed accordingly by §17–3.4 TABLE OF USE REGULATIONS.

1. In the “Single Residence” zoning districts, permitted uses in a green design open space residential development may include single–family dwellings and two–family dwellings.

2. In the “General Residence” zoning districts, permitted residential uses in a green design open space residential development may include single–family dwellings, two–family dwellings, and multi–family dwellings with a maximum of five (5) consecutive attached units. Multiple principal residential structures may be located on a single lot.

D. Increase in Number of Allowable Units – Density Bonus: The total number of allowable units may be increased provided that the proposed development complies with the design standards of §17–10.7(F) SPECIAL DESIGN STANDARDS FOR RESIDENTIAL AREAS and all other applicable requirements of §17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENT – GREEN DESIGN. The number of additional units allowed shall be referred to as the Density Bonus (DB) and shall be calculated at 0.25 x YPUM, rounded down to the nearest whole number.

E. General Design Standards: The following design standards shall apply to all green design open space residential development plans and govern the development and design process:

1. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

2. Dwellings shall be oriented and placed on lots in such a manner so as to promote visual interest. The intention of reduced setback requirements is to afford designers flexibility in the layout of the lots to encourage, for example, staggered alignment of dwellings and the articulation of individual units within a two–family or multi–family dwelling.

3. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.

4. The development shall be designed to be visually harmonious with, and complement, the natural features that are to be preserved. Such design shall be achieved through the appropriate siting of dwellings, the creation of “no–cut” buffers, or other methods.
5. Protected Open Space shall have physical and legal access of not less than ten (10') feet in width from a street. Stone bounds shall be installed to demarcate all boundaries between Protected Open Space and private lots within the proposed development.

6. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

F. Special Design Standards:

1. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal/alteration. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

2. All open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

3. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

4. All residential uses shall have access to pedestrian routes that lead to any proposed amenities within the site. These networks may include crosswalks, sidewalks, bike paths, and trails.

5. Building orientation for residential uses shall be such that at least seventy–five (75%) percent or more of the buildings shall have one axis at least 1.5 times longer than the other, and such that the longer axis is within fifteen (15°) degrees of the geographical east/west axis. The length to width ratio shall be applied only to the length of walls enclosing conditioned spaces; walls enclosing unconditioned spaces such as garages, arcades, or porches shall not be counted in these calculations.

6. Where a building meets the standard for §17–10.7(F)(5) SPECIAL DESIGN STANDARDS, the roof shall be designed so that any protuberances, dormers or other features shall not preclude the future installation of solar power generating technology.

7. Where a building meets the standard for §17–10.7(F)(5) SPECIAL DESIGN STANDARDS, the glazing area on the north–facing and south–facing walls of these buildings should be at least fifty (50%) percent greater than the sum of the glazing area on the east–facing and west–facing walls.

8. At least ninety (90%) percent of the glazing on the south–facing wall shall be completely shaded (using shading, overhangs, etc.) at noon on June 21 and unshaded at noon on December 21.

9. Use paving materials for a minimum of fifty (50%) percent of the site that have a Solar Reflectance Index (SRI) of at least 29.

10. Use roofing materials for a minimum of seventy–five (75%) percent of residential roofing that have a Solar Reflectance Index (SRI) equal to or greater than 78 for low–sloped roofs (slope less than or equal to 2:12) and 29 for steep–sloped roofs (greater than 2:12).
G. Dimensional Requirements: The following dimensional requirements shall apply to green design open space residential developments. Where these requirements differ from those in §17–4.0 DIMENSIONAL AND DENSITY REGULATIONS, the provisions pursuant to this section shall prevail.

1. Building Height: No building shall exceed a height of 2.5 stories.

2. Lot Frontage: Minimum frontage shall be fifty (50') feet. Lots having reduced area shall not have frontage on a street other than a street created by the green design open space residential development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot frontage will further the goals of §17–10.7 OPEN SPACE RESIDENTIAL DEVELOPMENT – GREEN DESIGN.

3. Lot Width: Minimum lot width shall be fifty (50') feet.

4. Lot Area: Minimum lot area shall be 5,000 square feet. Where multiple residential units are located on an individual lot, said lot shall contain at least 2,500 square feet for each additional unit.

5. Lot Coverage. Maximum lot coverage shall be fifty (50%) percent of each individual lot. Where multiple units are proposed on a single lot, the assumed lot lines drawn in accordance with the Proposed Conditions Plan shall be used for this calculation. The Planning Board may allow a higher lot coverage percentage in cases where the increased lot coverage will further the goals of this section.

6. Yard Setbacks for Principal Residential Structures: Principal structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of ten (10') feet, and a minimum rear yard setback of ten (10') feet.

7. Yard Setbacks for Accessory Structures. Detached accessory structures shall have a minimum front yard setback of ten (10') feet, a minimum side yard setback of four (4') feet, and a minimum rear yard setback of four (4') feet.

H. Protected Open Space:

1. Minimum Protected Open Space Requirement. A minimum of fifty percent (50%) percent of the site’s total land area shall be Protected Open Space. At least fifty (50%) percent of the site’s total wetland area and at least last fifty (50%) percent of the site’s total upland area shall be set aside as Protected Open Space. A sample calculation is provided below:

**Sample Calculation**

Existing Conditions:
20–acre site with 12 acres of upland and 8 acres of wetland

Protected Open Space Minimum Requirements:
50% of the site’s total land area = 10 acres
50% of the site’s total upland area = 6 acres
50% of the site’s total wetland area = 4 acres

Therefore, the protected open space shall consist of at least ten (10) acres of which at least six (6) acres are upland and at least four (4) acres are wetlands.
2. Protected Open Space shall be one (1) contiguous parcel and boundaries shall be configured to avoid narrow strips of land in order to maximize the parcel’s utility as wildlife habitat. A parcel of Protected Open Space shall still be considered contiguous even if it is separated by a trail, a path, a non-obstructive easement, or by site design features that in the opinion of the Planning Board better serve the purpose of maximizing wildlife habitat within the proposed development or in combination with abutting conservation land on a neighboring site. To provide pedestrian or wildlife corridors, narrow strips of land may be permitted for the purpose of connecting non-contiguous parcels of conservation land.

3. Protected Open Space may be used for wildlife habitat, conservation, historic preservation, outdoor education, passive recreation, community gardens, or a combination of these uses, and shall be served by suitable access for such purposes.

4. Wastewater and stormwater management systems serving a standard design open space residential development may be located within Protected Open Space. Surface systems, such as retention and detention ponds, and the easements that encumber them, shall not qualify towards the minimum open space requirement.

5. Ownership of Protected Open Space: The Protected Open Space shall, at the Planning Board’s determination, be conveyed to:

   a. the City or its Conservation Commission; or

   b. a non-profit organization, a principal purpose of which is the conservation of open space;

6. Description of Restriction on Protected Open Space: Protected open space, unless conveyed to the City or its Conservation Commission, shall be subject to a permanent Conservation Restriction in accordance with MGL Ch. 184 §31 and §32, approved by the Planning Board and enforceable by the City, conforming to the standards of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services. Such land shall be perpetually kept in an open state, shall be preserved exclusively for the purposes set forth herein, and shall be maintained in a manner which will ensure its suitability for its intended purposes. Any proposed open space that does not qualify for inclusion in a Conservation Restriction or is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant, which shall be approved by the Planning Board and enforceable by the City.

7. Maintenance of Protected Open Space: In any case where Protected Open Space is not conveyed to the City or to the Conservation Commission, the City shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the City may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the City shall be assessed against the properties within the development and/or to the owner of the open space. The City may file a lien against the lot or lots to ensure payment of such maintenance.
I. Special Permit Procedures: The procedures for this special permit are subject to the provisions pursuant to §17–9.0 SPECIAL PERMITS with the exception of the site plan requirements, which are subject to the provisions contained in §17–10.7(L) FILING APPLICATION.

J. Criteria for Granting Special Permit: The Planning Board may grant, grant with conditions, or deny a special permit application for a green design open space residential development. The Planning Board may grant a special permit pursuant to the provisions of §17–9.0 SPECIAL PERMITS and based on the following criteria:

1. The application complies with all applicable sections of the ZONING ORDINANCE.

2. The application achieves greater flexibility and creativity as compared to the design of a conventional subdivision.

3. The application encourages permanent preservation of open space and other natural resources including waterbodies, wetlands, and historical and archaeological resources.

4. The application promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features as compared to the design of a conventional subdivision.

5. The application minimizes the total amount of disturbance on the site.

6. The application provides for well-designed access to open space amenities and pedestrian connections.

7. The application complies with the design standards pursuant to the provisions of §17–10.7(E) GENERAL DESIGN STANDARDS and §17–10.7(F) SPECIAL DESIGN STANDARDS.

8. The application facilitates the design, construction, and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner.

9. The application does not create any undue risk to public health, safety, and welfare.

10. The application complies with the green provisions contained in this section.

K. Relationship Between Special Permit for a Green Design Open Space Residential Development and the PLANNING BOARD RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended: Where provisions contained herein impose greater or additional requirements than those contained in the Planning Board’s RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, the requirements contained herein shall prevail. A special permit application for a green design open space residential development may be filed concurrently with, or prior to, the filing of a preliminary or definitive subdivision plan. When filed concurrently, the Planning Board shall act separately on the applications. The denial of the special permit shall preclude the approval of the preliminary or definitive subdivision plan. However, the grant of the special permit shall not imply the approval of the preliminary or definitive subdivision plan. Each action may include conditions and modifications. Should the special permit application for a green design open space residential development be filed and granted prior to the filing of a preliminary or
definitive subdivision plan, the Planning Board shall review the preliminary or definitive subdivision plan to
determine whether there is any variation from the approved special permit. If the Planning Board determines that a
substantial variation exists, the petitioner shall be required to amend the special permit pursuant to §17–9.2
HEARINGS: ACTION prior to the approval of the definitive subdivision plan. A substantial variation shall constitute
of the following:

1. An increase in the number of building lots and/or units.

2. A decrease in the open space acreage that would result in non–compliance with the provisions pursuant to
§17–10.7(H) OPEN SPACE.

3. Changes in the roadway, open space, and/or house lot layout or unit placement that would consume more
than five (5%) percent or 10,000 square feet (the lesser amount) of the Primary or Secondary Conservation
Areas identified as part of the four–step design process.

4. Changes to the design that would cause non–compliance with any of the design standards pursuant to the
provisions of §17–10.7(F) SPECIAL DESIGN STANDARDS.

L. Filing Application: The filing of a preliminary or definitive subdivision application for any proposed green design open
space residential development shall comply with the applicable sections of the Planning Board’s RULES AND
REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended. The filing of a preliminary plan is
encouraged prior to the filing of a definitive plan of a subdivision in order to address any issues or questions and to
determine the feasibility of the site design concept before detailed engineering design is performed. The following
are the application filing requirements:

1. Four–Step Design Process: At the time of the application for the green design open space residential development, the
petitioner shall demonstrate to the Planning Board that the following design process was performed, in the
order so prescribed, by a multidisciplinary team of qualified professionals to determine the layout of proposed
streets, house lots, unit placement if multi–family, including designation of all common areas and open space.

   a. Identifying Conservation Areas: Identify preservation land by two steps. First, Primary Conservation
      Areas (such as ANRAD–verified wetlands, riverfront areas, and floodplains regulated by local, state or
      federal law) and Secondary Conservation Areas (including otherwise unprotected elements of the
      natural landscape deemed to be valuable such as steep slopes, mature woodlands, prime farmland,
      meadows, wildlife habitats and cultural features such as historic and archaeological sites and scenic
      views) shall be identified and delineated. Second, the Potentially Developable Area of the site shall
      consist of land outside identified Primary and Secondary Conservation Areas to the greatest extent
      practicable.

   b. Locating Residential Use: Locate the approximate sites of residential structures within the Potentially
      Developable Area and include the delineation of private yards and shared amenities, so as to reflect an
      integrated community.
c. Designing and Locating Streets and Trails: Design and locate streets and trails to access the house lots or units in such a manner so as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas located on or off the subject parcel. New trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

d. Configuring Lot Lines: Draw lot lines using assumed lot lines if the ownership is in condominium, cooperative or other similar form of common ownership.

2. Existing Conditions:

a. Regional Locus – A locus plan locating the site on the most recent USGS quadrangle map that includes a one-half (0.5) mile radius around the site.

b. Site Locus – A plan showing the following site elements on a single sheet:

1. location and dimensions of lot boundaries;

2. identification of the underlying zoning district(s), location of the zoning line(s), and any overlay districts;

3. location and dimensions of adjacent rights–of–way or other means of access to the site;

4. location and owners’ names of all abutting properties including properties across the street from the subject premises;

5. footprint of existing structures;

6. location and dimensions of any easements, right–of–ways, restrictive covenants and any other restrictions connected with the site;

c. Primary Conservation Areas – The location of the following site features:

1. ANRAD–verified wetlands, vernal pools, 100–year floodplain, surface waterbodies, and any other resource areas, as well as the twenty–five (25') foot wetlands protection zone pursuant to the LOCAL WETLANDS ORDINANCE (Chapter 18 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended);

2. areas within the jurisdiction of the Massachusetts Endangered Species Act (MESA).

3. areas identified as having historic or archaeological significance.

d. Secondary Conservation Area – The location of the following site features:

1. buffers to wetlands or surface waterbodies pursuant to the WETLANDS PROTECTION ACT (MGL Ch. 131, §40);

2. slopes fifteen (15%) percent or greater;
3. existing stone walls;

4. scenic vistas including established meadows;

5. trees that measure over twelve (12") inches at diameter at breast height;

6. rock outcrops;

7. existing trails;

e. Potentially Developable Area – A clearly delineated building envelope of the entire site that does not include any Primary Conservation Areas and avoids Secondary Conservation Areas to the greatest extent practicable.

3. Yield Plan: The maximum number of allowable lots and allowable dwelling units shall be derived from a Yield Plan. The Yield Plan shall show a conventional subdivision layout conforming to the applicable provisions of the ZONING ORDINANCE and the RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, to show the maximum number of lots and dwelling units that could be placed upon the site by--right under a conventional subdivision approach. No land that is unusable for building due to being subject to an easement, or otherwise legally restricted, shall be included in the calculation of land available for development. The petitioner shall have the burden of proof to demonstrate that the maximum number of lots and dwelling units resulting from the design and engineering specifications shown on the Yield Plan is feasible.

The number of lots shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Lot Maximum (YPLM). The number of dwelling units shown on the Yield Plan and accepted by the Planning Board shall be referred to as the Yield Plan Unit Maximum (YPUM).

The Yield Plan shall contain, at a minimum, the following information:

a. parcel boundaries, north arrow, date, legend, title “Yield Plan”, and scale;

b. the name and address of the record owner(s), the applicant, and the design engineer and/or land surveyor that prepared the plan;

c. the names, approximate location, and widths of adjacent streets;

d. existing topography at two (2') foot contour intervals;

e. soils map using NRCS soil survey information;

f. all on--site local, state, and federal regulatory resource boundaries (such as wetlands, floodplain, vernal pools) and buffer zones;

g. lot lines with lot dimensions and land area, or unit locations and footprint and proposed common areas;

h. location and dimensions of rights--of--way and stormwater management systems;

i. if available, the location and results of any test pit investigations for soil profiles, percolation rates, and determination of seasonal high groundwater table;
4. Proposed Conditions Plan: The number of units in the Proposed Conditions Plan shall not exceed the sum of the Yield Plan Unit Maximum (YPUM) and the Density Bonus. The number of lots in the Proposed Conditions Plan shall not exceed the sum of the Yield Plan Lot Maximum (YPLM) and the number of lots necessary to build the additional units allowed under the Density Bonus.

The Proposed Conditions Plan shall contain, at minimum, the following information:

a. the proposed topography of the land shown at a minimum contour interval of two (2') feet; elevations shall be referred to mean sea level;

b. the existing and proposed lines of streets, ways, driveways, and easements;

c. proposed street grades;

d. a detailed narrative explanation of the characteristics, as well as the proposed quantity, use and ownership of the open space;

e. all proposed landscaped and buffer areas shall be noted on the plan and explained in a detailed narrative;

f. a summary of the number of single family, two–family, and multi–family units;

g. architectural elevations for each housing type proposed as part of the open space residential development;

h. a list of all legal documents necessary for implementation of the proposed development, including any conservation restrictions, land transfers, and easements relating to public infrastructure;

i. shadow analysis demonstrating proper shading and exposure for applicable standards in §17–10.7(F) SPECIAL DESIGN STANDARDS;

j. all calculations for Solar Reflectance Index of materials used to comply with the standards in §17–10.7(F) SPECIAL DESIGN STANDARDS or manufacturing specifications that document compliance with those standards;

k. documents stamped by the architect and a structural engineer showing the appropriate roof load, location of conduit and the potential location of the dash box for those roofs that will be designed for future installation of solar power generating technologies;

l. location of each Density Bonus unit;

§17–10.8 LANDFILLS

A. Permit Required: No landfill shall be established or operated in the city unless a special permit has been granted by the Planning Board.

B. Period of Permit: Each special permit shall be issued for a period of not less than one nor more than five years and, if issued for less than five years, may be extended for up to five years without the requirement for a new site plan or a new public hearing, provided the operation conforms substantially to the approved operations plan, there is no encroachment or probability of encroachment on land subject to regulations under MGL Ch. 131, §40, and further
provided that not less than one (1) month prior to the renewal date the owner of the landfill has submitted an application for renewal to the Special Permit Granting Authority with copies to the Superintendent of Public Works – Highway Division, Health Officer, Conservation Commission, and the Municipal Council, and no public hearing has been requested in writing by any of the above. In the event that a public hearing is so requested, or after five years, the same process shall be followed as for the initial permit application. Fees for the initial application and for the renewal with and without a public hearing shall be established by ordinance.

C. Site Requirements: A special permit shall only be issued if the proposed landfill site meets the following conditions –

1. Not less than 30 acres no more than 120 acres total site area, excluding waterbodies, streams or land subject to flooding; provided however, that landfills which are strictly limited to the disposal, of ash and sludge produced through the operation of a water pollution treatment facility (to be referred to as “ash/sludge landfills”) shall be allowed a minimum size of twenty acres. Wetlands shall not extend into areas where solid waste will be deposited, unless permitted under an order of conditions under MGL CH. 131, §40. Applications and permits for ash/sludge landfills shall be specifically noted as such and the disposal limitations shall be made a condition of the permit.

2. Predominant soils suitable for landfill, preferably sand–clay loam with about fifty (50%) percent sand. Use of the site as a landfill shall not interfere with natural surface or subsurface drainage or ground water movement to a water supply or recharge area.

3. There shall be no dwellings or other buildings for continuous human occupancy, except farms or residences of a landfill caretaker and/or guard, within twenty (20') feet of the proposed limits of the waste deposit area.

4. The location shall be deemed appropriate with respect to the character of the neighborhood and the recommendations of the Comprehensive Plan on the patterns of land use and traffic in the area.

5. Buffer area, provided for in paragraph 3, shall be appropriately screened by a landscaped strip not less than twenty–five (25') feet in width, or a solid fence or wall not less than six (6') feet in height, or a chain link fence with a row of densely planted evergreens.

D. Site Plan: In addition to the requirements of §17–9.5 REQUIRED SITE PLAN, the site plan for a landfill shall show additional information as required by the Special Permit Granting Authority. A report and plan describing the proposed use upon completion of landfill operations and the provisions for protection from pollution, gases and structural instability shall be submitted. A map of the area surrounding the landfill, identifying the status and condition of streets and access roads, shall also be submitted.

E. Standards and Conditions of Permit: The Special Permit Granting Authority shall only grant the permit if it is satisfied that the site is suitable, that the proposed operation has or can be reasonably expected to obtain the necessary approvals, that there will be no nuisance or hazard to public health, and that the proposed landfill will meet a need for the City of Attleboro and its inhabitants. The Special Permit Granting Authority shall impose conditions deemed necessary to protect the public and to minimize adverse impacts. Where appropriate, the Special Permit Granting Authority shall require a bond or other security to ensure compliance with the conditions of the special permit, including compliance with the site plan as it may be modified by the Special Permit Granting Authority.
F. Site Restoration: As a condition of the special permit, restoration of the land after partial or full completion of operations or after discontinuance of operations, whether voluntary or forced, shall be ensured. Such restoration shall include grading and drainage, as may be needed for the protection of public health and safety, and loaming and planting of all excavated or exposed areas.

G. Revisions: Any revisions or expansions of landfill operations shall require application and hearing in the same manner as the original special permit.

H. Exclusive Use: No use of buildings or land for purposes other than waste disposal, resource recovery and activities incidental or accessory thereto, including the residences of a caretaker and/or guard, shall be located on the same site as a landfill. No disposal of sewage, other than treated, disinfected or partially de–watered sludge, and no burning or incineration, except as part of a specially permitted material or energy recovery process, shall be permitted.

I. Access: A special permit may provide that truck access to the landfill site shall be limited to specified public ways or roads on the land of the applicant, may regulate the size and other specifications of such trucks to prevent nuisances, and may require that appropriate signs, conforming to local and state regulations, be erected at the applicant’s expense to direct trucks to the approved landfill access routes.

J. Failure to obtain assignment of the landfill by the Health Officer or failure to meet all of the requirements of the Commonwealth of Massachusetts, or violation of the terms and conditions of the special permit for landfill shall render such permit void. In such case, the landfill operation shall cease forthwith except for land restoration activities, and shall not be resumed until the violation has been corrected and provisions satisfactory to the Special Permit Granting Authority made to prevent recurrence. An order closing a landfill or suspending its operation by the Health Department, the Massachusetts Department of Environmental Protection (MA DEP), or any other agency having jurisdiction shall be prima facie evidence of a violation of the special permit. In addition to termination of landfill operations, other penalties for violation may be imposed in accordance with Massachusetts General Laws.

§17–10.9 REUSE OF PUBLIC BUILDINGS

A. In order to permit greater flexibility in the reuse of surplus municipal buildings while maintaining the integrity of the single residential districts, all uses allowed by right or special permit in the General Residence use districts shall be allowed by in the Single Residence use districts by special permit from the Board of Appeals. Further, in order to maximize reuse potential in mixed use areas, all uses allowed by right or special permit in the Business and Industrial/Business Park use districts shall be allowed in the General Residence use districts by special permit from the Municipal Council. Public buildings located in “General Residence”, “Central Business”, “Planned Highway Business” and “Industrial” zoning districts shall be developed in accordance with §17–3.4 TABLE OF USE REGULATIONS.

B. For the purpose of this ordinance, public buildings shall be defined as municipally owned properties for including but not limited to schools, libraries and fire stations.

C. The Board of Appeals or Municipal Council may grant said special permit after public hearing and in accordance with the provisions of §17–9.0 SPECIAL PERMITS only when it is satisfied that the proposed reuse is in the best interests of the residents of the area as well as the City of Attleboro. Said special permit shall be for the reuse of existing buildings only. All dimensional and density regulations required in the underlying use district shall be enforced notwithstanding the granting of any such special permit.
§17–10.10 REUSE OF INDUSTRIAL BUILDINGS

A. In order to permit greater flexibility in the reuse of industrial buildings, this section allows, by special permit, the conversion of such buildings for multi–family residential use with a higher density than permitted in “General Residence” zoning districts. This provision applies only to those buildings in “General Residence” zoning districts that contain a minimum of 30,000 square feet.

B. For the purpose of this ordinance, industrial buildings shall be defined as factories, warehouses, mills, and plants.

C. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17–9.0 SPECIAL PERMITS. Said special permit shall be for the reuse of the existing building and may, at the discretion of the Board of Appeals, allow new construction provided that the applicant has shown that the existing building is used to its capacity.

D. The dimensional, density, and parking regulations for this provision are as follows:

1. The dimensional regulations for this section shall be those required in the underlying use district (see §17–4.0 DIMENSIONAL AND DENSITY REGULATIONS).

2. The minimum lot size for this section shall be 10,000 square feet plus 2,000 feet for each unit more than two.

3. The minimum number of off–street parking spaces shall be established in the special permit.

§17–10.11 DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS

A. In order to permit greater flexibility for the development of high–density multi–family residential buildings in the “Central Business” use district while maintaining the integrity of the business zone, residential dwelling units on the first–floor level may be allowed by special permit in the “Central Business” use district from the Board of Appeals.

B. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17–9.0 SPECIAL PERMITS only when it is satisfied that the proposed development of residential dwelling units on the first–floor level is in the best interests of the “Central Business” use district as well as the City of Attleboro. Said special permit shall apply only to the first–floor level residential dwelling units.

C. All dimensional and density regulations required in the underlying use district pursuant to §17–4.0 DIMENSIONAL AND DENSITY REGULATIONS shall prevail notwithstanding the granting of any such special permit. All off–street parking regulations required in the underlying use district pursuant to §17–5.10 TABLE OF OFF–STREET PARKING REGULATIONS shall prevail notwithstanding the granting of any such special permit unless otherwise specified by the Board of Appeals. First floor level façades of such residential buildings, as well as the style of related architectural and landscape features, shall consist of a design and quality so as to complement and enhance the integrity of the adjoining uses and the character of the downtown.
§17–10.12 ADULT ENTERTAINMENT USES

A. Permit Required: No adult bookstore, adult motion picture theatre, adult paraphernalia store, adult video store, and adult cabaret, all as defined in §17–11.0 DEFINITIONS hereof, shall be established or operated in the City unless a special permit therefor has been granted by the Municipal Council.

B. Standards for Granting Special Permit: No special permit may be granted hereunder for an adult entertainment use unless each of the following standards is fully satisfied –

1. The requested use is listed in §17–3.4 TABLE OF USE REGULATIONS as a special permit in the district for which the application is made.

2. No adult entertainment establishment shall be located within the following designated areas:

   a. Two hundred (200') feet from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;

   b. Two hundred (200') feet from the nearest property line of any public or private school;

   c. Two hundred (200') feet from the nearest property line of any church or other religious facility;

   d. Two hundred (200') feet from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;

   e. Two hundred (200') feet from the nearest property line of any group day care center, family day care center, nursing home and hospital;

   f. One thousand (1,000') feet from the nearest property line of any other adult entertainment establishment.

   The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the adult entertainment establishment is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.

3. An adult entertainment use may not be allowed within a building containing other retail, consumer or residential uses, and within a shopping center, shopping plaza, or mall.

4. The adult entertainment use shall comply with the off–street parking requirements contained in §17–5.0 OFF–STREET PARKING AND LOADING REGULATIONS of this ordinance.

5. No adult entertainment use may have any flashing lights visible from outside the establishment.
6. No adult entertainment use may have a freestanding accessory sign. Further, no sign shall rotate, be illuminated or contain reflective or fluorescent elements that sparkle in sunlight.

7. No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store shall be displayed in the windows of, or on the building of, any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store.

8. A site plan shall be submitted by the applicant in order that the Special Permit Granting Authority may determine that the above standards have been met. The site plan shall show among other things all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan, pursuant to subparagraph §17–10.11(B)(2)(A) STANDARDS FOR GRANTING SPECIAL PERMIT through §17–10.11(B)(2)(F) STANDARDS FOR GRANTING SPECIAL PERMIT above, shall also show the distances between the proposed adult entertainment establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital and any other adult entertainment establishment.

C. Imposition of Other Conditions: The Special Permit Granting Authority may impose, in addition to any applicable conditions specified herein, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance, including, but not limited to, the following – front, side, or rear yards greater than the minimum required by this ordinance; screening buffers or planting strips, fences or walls; limitation upon the size, method and time of operation; time duration of the permit; regulation of number and location of driveways or other traffic features; and off–street parking. Furthermore, all standards and conditions of §17–9.4 SPECIAL PERMITS shall be applicable to the granting of a special permit under this section.

D. Lapse of Permit: Any special permit granted hereunder for an adult entertainment use shall lapse after one (1) year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause.

§17–10.13 WIRELESS TELECOMMUNICATIONS TOWER/FACILITY

A. A wireless telecommunications tower, whether a self–supporting lattice tower, guy tower, or self–supporting monopole tower, shall not exceed a maximum height of one hundred and fifty (150') feet in height, as measured by the vertical distance from the ground elevation at the base of the tower to the highest point on the tower, even if said highest point is an antenna, beacon, or any other structure.

B. Notwithstanding the minimum yard setback provisions set forth in §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, the setback of a wireless telecommunications tower from the property lines of the lot on which the outermost perimeter of the wireless telecommunications tower/facility is located shall be a fall zone equal to a minimum of one hundred and twenty–five (125%) percent of its maximum height (as measured from the ground elevation at the base of the tower to the highest point on the tower, or two hundred (200') feet, whichever is greater even if said highest point is an antenna, beacon, or any other structure). Guy wires used to support a wireless telecommunications tower are exempt from this provision. The Board of Appeals may waive the requirements of this fall zone setback upon receipt of written consent of the owner of all abutting property which are within the setback.
C. To minimize to the extent possible the proliferation of wireless telecommunication towers in the City, the petitioner and/or owner of a wireless telecommunications tower shall allow other commercial wireless telecommunication service providers, using functionally compatible technology, to co-locate antennae, equipment, and facilities on a wireless telecommunications tower and site, unless satisfactory evidence to the contrary is presented to the Board of Appeals, which concurs that technical constraints prohibit co-location. To ensure co-location, the Board of Appeals may deny a special permit for a wireless telecommunications tower because of inadequate provisions and/or arrangements for co-location.

D. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

E. No advertising or signage, except for appropriate warning signs and placards, is permitted on wireless telecommunication towers or antennae that provide commercial wireless telecommunications services.

F. The petitioner shall submit a written statement of non-interference, prepared by a Massachusetts licensed professional engineer, certifying that the wireless telecommunications tower, including reception and transmission functions, will not interfere with the radio, television, or other telecommunication services enjoyed by the public.

G. The petitioner of a wireless telecommunication tower shall submit a “Power Density Study” (PDS) to the Zoning Board of Appeals and Building Department. The PDS shall demonstrate that the cumulative effect of the electromagnetic field radiation emissions from the wireless telecommunications tower complies with allowable safety levels of the standards of the American National Standards Institute (ANSI) or the standards of the Institute of Electronic and Electrical Engineers (IEEE), whichever has the more current and more restrictive standards at the time the PDS is prepared. The PDS shall be prepared by a qualified Radio Frequency Engineer.

H. After a wireless telecommunication tower is operational, the tower owner, and any successor-in-title, shall submit a PDS to the Zoning Board of Appeals and Building Department every two (2) years. The first post-operational PDS is due two (2) years from the date of issuance of the Occupancy Permit. A PDS shall be submitted every two (2) years thereafter from the date of the previous PDS. Failure to submit the requisite PDS may serve as grounds to revoke the special permit. The PDS shall demonstrate that the cumulative effect of the electromagnetic field radiation emissions from the wireless telecommunications tower complies with allowable safety levels of the standards of the American National Standards Institute (ANSI) or the standards of the Institute of Electronic and Electrical Engineers (IEEE), whichever has the more current and more restrictive standards at the time the PDS is prepared. Furthermore, the tower facility owner, and any successor-in-title, shall submit an interim PDS to the Zoning Board of Appeals and Building Department whenever the number of antennae installed on the tower is increased or at the Zoning Board of Appeals’ request if, in the opinion of the Board, any new technology installed at the facility might affect the safety standards established by ANSI or IEEE. For example, if the number of antennae is increased on the tower before the first post-operational PDS is submitted, or if the number of antennae is increased on the tower after the first post-operational PDS is submitted but before the next scheduled PDS is due, the tower facility owner, and any successor-in-title, shall submit an interim PDS demonstrating that the cumulative effect of the electromagnetic field radiation emissions from the wireless telecommunications tower complies with allowable safety levels of ANSI standards or IEEE standards, whichever has the more current and more restrictive standards at the time the PDS is prepared. Every two (2) year PDS and any interim PDS shall be prepared by a qualified Radio Frequency Engineer.
I. It is inherent that a wireless telecommunications tower/facility may pose some visual impacts due to the tower height. To reduce the visual impacts, without restricting the installation of the facility, the petitioner shall:

1. demonstrate that the wireless telecommunication tower’s visual impacts will be minimized on neighboring properties through project site planning and proposed mitigation; this may include, but not be limited to, information regarding site selection, design or appearance, buffering, and screening of ground mounted electrical and control equipment;

2. demonstrate that the wireless telecommunications tower is designed to blend into the surrounding environment through the use of non–reflective, unobtrusive, color and camouflaging architectural treatment;

3. demonstrate that the wireless telecommunications tower shall not be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other federal or state authority; if illumination is required, the petitioner shall provide a copy of such requirement to establish the requisite markings and/or lighting; and

4. demonstrate that clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the wireless telecommunications tower and as otherwise prescribed by applicable laws, regulations, and ordinances;

J. At such time that a wireless telecommunications tower and its associated facilities are scheduled to be abandoned or their operations discontinued, the owner shall notify the Building Department in writing by certified mail of the proposed date of abandonment or discontinuation of operations. The owner shall physically remove the wireless telecommunications tower and its associated facilities within ninety (90) days from the date of abandonment or discontinuation of operations. The cost for dismantling and removing the wireless telecommunications tower and its associated facilities, as well as for any necessary site restoration, shall be at the owner’s sole expense. The ninety (90) day period may be extended at the written request of the owner and at the discretion of the Building Inspector. In the event that a wireless telecommunications tower and its associated facilities are not removed within ninety (90) days from the date of abandonment or discontinuation of operations, the City shall have the authority to enter the subject property and physically remove the wireless telecommunications tower.

K. In the event that the owner fails to give such notice, the wireless telecommunications tower may be considered abandoned/discontinued at the discretion of the Building Inspector if it is not used for a continuous period of twelve (12) months. After the twelve (12) month period of abandonment, the Building Inspector may issue a Notice of Abandonment to the owner. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from “notice” receipt date. The Building Inspector shall withdraw the Notice of Abandonment and notify the owner that said “notice” has been withdrawn if the owner provides sufficient information that demonstrates the wireless telecommunications tower has not been abandoned. If the owner fails to respond to the Notice of Abandonment, or if the Building Inspector finds the owner’s response does not demonstrate that the wireless telecommunications tower has not been abandoned, the owner shall physically remove the wireless telecommunications tower and its associated facilities within ninety (90) days from the date of the Notice of Abandonment. The cost for dismantling and removing the wireless telecommunications tower and its associated facilities, as well as for any necessary site restoration, shall be at the owner’s sole expense. If the owner fails to physically remove the wireless telecommunications tower within the ninety (90) day period, the City shall have the authority to enter the subject property and physically remove the wireless telecommunications tower.
L. The Board of Appeals shall require, as a condition of approval, that the recipient of the special permit furnish a performance bond from a surety company licensed to do business in the Commonwealth of Massachusetts naming the City of Attleboro as the Obligee. Such performance bond shall be held by the City Treasurer and be in a form that is reasonably acceptable to the City Treasurer. The amount of the surety bond shall be set by the Board of Appeals to be commensurate to the cost for dismantling and removing the wireless telecommunications tower and its associated facilities, as well as for any necessary site restoration, in the event the City must take such action. The duration of the performance bond shall be for a period of ninety-nine (99) years. The petitioner shall submit a detailed estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate for the rate of inflation over ninety-nine (99) years. The recipient of the special permit may, at its option, post a cash performance bond that satisfies the requirements of this section as an alternative to furnishing a corporate surety bond.

§17–10.14 SMALL WIND ENERGY SYSTEMS

A. A wind turbine tower, whether a self-supporting monopole or guyed monopole structure, shall not exceed a maximum height of one hundred (100') feet in height in any “B” or “I” zoning district, as measured by the vertical distance from the ground elevation at the base of the tower to the tip of the wind turbine blade when it is at its highest point. The petitioner shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

B. A wind turbine tower, whether a self-supporting monopole or guyed monopole structure, shall not exceed a maximum height of fifty (50') feet in height in any “R” zoning district, as measured by the vertical distance from the ground elevation at the base of the tower to the tip of the wind turbine blade when it is at its highest point. The petitioner shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

C. Notwithstanding the minimum yard setback provisions set forth in §17–4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, the setback of a wind turbine tower from the property lines of the lot on which it is located shall be a fall zone equal to a minimum of two hundred (200%) percent of its maximum height (as measured from the ground elevation at the base of the tower to the tip of the wind turbine blade when it is at its highest point), or 200 feet, whichever is greater. Guy wires used to support a wind turbine tower are exempt from this provision. The Board of Appeals may waive the requirements of this fall zone setback upon receipt of written consent of the owner of any abutting property which could be impacted by such waiver if the tower were to fall down.

D. A small wind energy system shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.

E. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

F. No advertising or signage is permitted on a wind turbine tower except for the manufacturer’s or installer’s identification on the wind turbine and appropriate warning signs and placards.
G. It is inherent that a small wind energy system may pose some visual impacts due to the tower height needed to access the wind resources. To reduce the visual impacts, without restricting access to the wind resources, the petitioner shall:

1. demonstrate that the small wind energy system’s visual impacts will be minimized on neighboring properties through project site planning and proposed mitigation; this may include, but not be limited to, information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment; all electrical conduits shall be underground;

2. demonstrate that the small wind energy system is designed to blend into the surrounding environment through the use of non-reflective, unobtrusive, color and camouflaging architectural treatment;

3. demonstrate that the small wind energy system shall not be artificially illuminated unless required by the Federal Aviation Administration (FAA) or other federal or state authority; if illumination is required, the petitioner shall provide a copy of such requirement to establish the requisite markings and/or lighting;

4. demonstrate that the small wind energy system is sited in a manner that does not result in significant flickering or shadowing impacts; the petitioner has the burden of proving that this effect does not have significant adverse impact on neighboring properties either through siting or mitigation; and

5. demonstrate that clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances;

H. At such time that a small wind energy system is scheduled to be abandoned or its operations discontinued, the owner shall notify the Building Department in writing by certified mail of the proposed date of abandonment or discontinuation of operations. The owner shall physically remove the small wind energy system and its associated facilities within ninety (90) days from the date of abandonment or discontinuation of operations. The cost for dismantling and removing the small wind energy system and its associated facilities, as well as for any necessary site restoration, shall be at the owner’s sole expense. The ninety (90) day period may be extended at the written request of the owner and at the discretion of the Building Inspector. In the event that a small wind energy system and its associated facilities are not removed within ninety (90) days from the date of abandonment or discontinuation of operations, the City shall have the authority to enter the subject property and physically remove the small wind energy system.

In the event that the owner fails to give such notice, the small wind energy system may be considered abandoned/discontinued at the discretion of the Building Inspector if it is not used for a continuous period of twelve (12) months. After the twelve (12) month period of abandonment, the Building Inspector may issue a Notice of Abandonment to the owner. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from “notice” receipt date. The Building Inspector shall withdraw the Notice of Abandonment and notify the owner that said “notice” has been withdrawn if the owner provides sufficient information that demonstrates the small wind energy system has not been abandoned. If the owner fails to respond to the Notice of Abandonment, or if the Building Inspector finds the owner’s response does not demonstrate that the small wind energy system has not been abandoned, the owner shall physically remove the small wind energy system and its
associated facilities within ninety (90) days from the date of the Notice of Abandonment. The cost for dismantling and removing the small wind energy system and its associated facilities, as well as for any necessary site restoration, shall be at the owner’s sole expense. If the owner fails to physically remove the small wind energy system within the ninety (90) day period, the City shall have the authority to enter the subject property and physically remove the small wind energy system.

I. The Board of Appeals shall require, as a condition of approval, that the recipient of the special permit furnish a performance bond from a surety company licensed to do business in the Commonwealth of Massachusetts naming the City of Attleboro as the Obligee. Such performance bond shall be held by the City Treasurer and be in a form that is reasonably acceptable to the City Treasurer. The amount of the surety bond shall be set by the Board of Appeals to be commensurate to the cost for dismantling and removing the wind turbine tower and its associated facilities, as well as for any necessary site restoration, in the event the City must take such action. The duration of the performance bond shall be for a period of ninety–nine (99) years. The petitioner shall submit a detailed estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate for the rate of inflation over ninety–nine (99) years. The recipient of the special permit may, at its option, post a cash performance bond that satisfies the requirements of this section as an alternative to furnishing a corporate surety bond.

§17–10.15 MARIJUANA BUSINESS USES

A. Purpose and Intent:

1. It is recognized that the nature of the substance cultivated, processed, tested and/or sold by Marijuana Businesses have operational characteristics that require they be sited in such a way as to ensure the health, safety, and general well–being of the public. The imposition of reasonable safeguards and regulations on Marijuana Businesses is necessary to advance these purposes.

2. Subject to the provisions of the ZONING ORDINANCE, MGL CH. 40A, CH. 94G, CH. 94I and CH. 369 of the Acts of 2012, Massachusetts regulations, including, but not limited to, 105 CMR 725.000 and 935 CMR 500.000 Marijuana Businesses may be permitted to do business within the City of Attleboro.

3. Nothing in this section shall be interpreted as regulating the growing, processing or manufacturing of products that are not regulated as a controlled substance by the Cannabis Control Commission (CCC) and/or the Massachusetts Department of Public Health (DPH).

B. Applicability:

1. This section applies to all marijuana businesses.

2. A licensed Marijuana Business shall not be established in the City except in compliance with the provisions set forth under this section. Moreover, the production, processing, packaging, retail or wholesale sale, trade, testing, distribution or dispensing of marijuana is prohibited unless permitted by special permit as a Marijuana Business under this section.

3. Nothing in this ordinance shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
C. **Confidentiality** – Special permit applications, special permits, supporting information, and other information regarding a Marijuana Business is not confidential, provided however that the following is confidential and exempt from the provisions of MGL CH. 66.

1. Information that identifies a specific registered qualifying patient, personal caregiver, or registered dispensary agent; and

2. Information held by the City about a Marijuana Business physical layout, as well as policies, procedures, practices, and plans pertaining to security.

D. **Permitted Districts** – Marijuana Businesses may only be allowed in zoning districts specified in §17–3.4 TABLE OF USE REGULATIONS – COMMUNITY FACILITIES. The following additional condition applies to Marijuana Businesses:

E. **Permit Required**:

1. A licensed Marijuana Business shall not be established or operated in the City unless a special permit has been granted in accordance with the requirements of the ZONING ORDINANCE.

2. **No Entitlement or Vested Rights to Permitting** – No person shall be deemed to have any entitlement or vested rights to permitting under this ordinance by virtue of having received any prior permit from the City, provided however, this ordinance shall not prevent the conversion of a Medical Marijuana Treatment Center licensed or registered not later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment engaged in the same type of activity.

3. **Special Permit Application Requirements** – A special permit application for a Marijuana Business shall include all of the following information:

   a. An executed Host Community Agreement between applicant and the City.

   b. If the application is being filed by an agent for the owner, documentation from the owner shall explicitly acknowledge that the owner is aware that the proposed use of the property is a marijuana business.

   c. The legal name of the marijuana business.

   d. A notarized copy of the name, address, and date of birth of each principal officer and member of the Marijuana Business.

   e. The proposed activities, including how the marijuana business intends to operate in compliance with the general requirements described below.

   f. Details of all proposed exterior security measures for the marijuana business.
g. Detailed written operating procedures as required by the Massachusetts Department of Public Health in 105 CMR 725.105 and as otherwise required by other applicable law or regulation for a Medical Marijuana Treatment Center, or detailed written operating procedures as required by the Cannabis Control Commission in 935 CMR 500.000 and as otherwise required by other applicable law or regulation for a Marijuana Establishment.

h. The proposed waste disposal procedures for the marijuana business.

i. A list of any waivers from the Massachusetts Department of Public Health regulations or Cannabis Control Commission regulations granted for the marijuana business.

j. A detailed floor plan of the proposed marijuana business that identifies the dimensions and gross square footage and describes the function of each areas of the business/floor space, including areas for any preparation of marijuana–infused products.

k. The name, telephone number, and email address of an emergency/after–hours contact person for the marijuana business.

l. A site plan which demonstrates the proposed business complies with the Standards for the granting of a special permit. The site plan shall comply with the minor project site plan review submission requirements pursuant to §17–15.0(J) SITE PLAN REVIEW. The site plan shall also show the distances between the proposed marijuana business and the items outlined in §17–10.15(G)(3) LOCATION.

m. Collectively, the site plans, operating procedures and other documentation provided with the application shall demonstrate how the marijuana business complies with the requirements set forth herein.

4. The Special Permit Granting Authority shall refer a copy of the special permit application, floor plan and site plan to the Inspection Department, Fire Department, Police Department, Health Department, Department of Planning and Development, Water Department, and Department of Wastewater. These departments shall review the application and submit written comments to the Special Permit Granting Authority within thirty (30) days of the date of distribution of the application to said departments or prior to the close of the public hearing, whichever is later. The lack of any department submitting written comments to the Special Permit Granting Authority within the timeline specified herein shall not preclude the Special Permit Granting Authority from rendering a decision on the special permit application.

F. General Requirements:

1. No marijuana shall be smoked, eaten or otherwise consumed or ingested upon the premises of a Marijuana Business.

2. The Marijuana Business shall be designed to minimize any adverse impacts on abutters and other parties in interest.
3. The Marijuana Business must provide adequate security measures to ensure no individual participant will pose a direct threat to the health or safety of other individuals, and the storage and/or location of marijuana product is adequately secured.

4. The Marijuana Business must adequately address issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the business, and its impact on neighboring uses.

5. A Marijuana Business may only use the designated areas depicted on the plans filed with the Special Permit Granting Authority for the purposes of operating such a business.

6. Marijuana retail sales or medical marijuana patient sales, may not occur within the hours of 8:00 p.m. to 8:00 a.m. and may be further restricted as a condition approval of the special permit issued by the Special Permit Granting Authority.

7. All aspects of a Marijuana Business dealing with marijuana itself shall take place at a fixed location within a fully enclosed building with the exception of operations associated with shipping and receiving.

8. The gross floor area for the customer or patient accessible areas of a Medical Marijuana Treatment Center or Marijuana Retailer shall not exceed 5,000 square feet.

9. A Marijuana Business shall not be located in a building that contains any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

10. A Marijuana Business shall not be located in a building that contains any residential units, including transient housing such as hotels, motels and dormitories.

11. A Marijuana Business shall not be located in any premises for which an alcoholic beverages license has been issued.

12. A Marijuana Business shall not have a drive–up window or provide/offer any drive–thru service.

13. Ventilation – all marijuana businesses shall be ventilated in such a manner that:

   a. no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere

   b. no odor that poses a nuisance from marijuana cultivation, processing or manufacturing can be detected by a person with an unimpaired and otherwise normal sense of smell at the boundary of the permitted site.

14. The site shall be properly landscaped, including lawn areas, trees, and shrubbery.

15. The entrance shall be visible from a public street or from the business’ frontage.
16. A Marijuana Business shall be located in a permanent building. A Marijuana Business is expressly prohibited to be located in a trailer, cargo container, motor vehicle, or in any other impermanent space or structure.

17. A Marijuana Business shall comply with the off–street parking requirements pursuant to §17–5.0 OFF–STREET PARKING AND LOADING REGULATIONS unless a variance or waiver is granted by the Special Permit Granting Authority.

18. The site shall be properly illuminated for security purposes.

19. In addition to complying with the signage requirements of 105 CMR 725.000, 935 CMR 500.000, signage shall also comply with the provisions of §17–16.0 SIGNS unless a variance or waiver is granted by the Special Permit Granting Authority.

20. A Marijuana Research Facility may not sell marijuana cultivated under its research license.

21. All research regarding marijuana shall be conducted by individuals twenty–one (21) years of age or older.

G. Standards for the Granting of a Special Permit:

1. In addition to the special permit requirements contained in §17–9.0 SPECIAL PERMITS, no special permit may be granted hereunder for a Marijuana Business unless all of the following standards are satisfied as determined by the Special Permit Granting Authority, or waived.

2. The Special Permit Granting Authority may not grant a special permit for a Marijuana Retailer if five (5) or more are actively being operated. This license limit does not apply to other Marijuana Business license types.

3. Location:
   
a. No portion of any building containing a Marijuana Business use shall be located within one hundred (100') feet of any “Residential” zoning district.

b. No portion of any building containing a Marijuana Business shall be located within the following designated areas.

   1. One hundred (100') feet of a principal residential use.

   2. Five hundred (500') feet of an existing public or private school providing education in Kindergarten or any of grades 1 through 12.

   3. Five hundred (500') feet of a registered daycare center, family day care home, and group day care home.

   4. Five hundred (500') feet from any public park, playground, or facility in which children commonly congregate.
c. The distance between any building containing a Marijuana Business and the uses cited above is established by measuring in a straight line, without regard for intervening structures or natural features, from the closest point of any Marijuana Business building in which a Marijuana Business is located, or is to be located, to the nearest point of a lot line containing the above use.

d. Marijuana Businesses with multiple licenses issued to the same legal entity may co-locate within the same facility or on the same premises.

e. Marijuana Businesses with licenses issued to separate legal entities may co-locate within the same facility or on the same premises provided however each Marijuana Business shall independently comply with the requirements the ZONING ORDINANCE, MGL Ch. 40A, Ch. 94G, Ch. 94I and Ch. 369 of the Acts of 2012, Massachusetts regulations, including, but not limited to, 105 CMR 725.000 and 935 CMR 500.000.

H. **Conditions of Special Permit** – The following conditions and limitations shall apply to all special permits granted by the Special Permit Granting Authority.

1. **Issuance/Transfer of Special Permit and Discontinuance of Use:**

   a. The special permit shall not be assignable or transferable to any other entity and shall remain exclusively with the applicant.

   b. The special permit shall lapse after eighteen (18) months, which shall not include such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced, provided however that the Special Permit Granting Authority may extend the time period for good cause shown for a period of not more than eighteen (18) additional months.

   c. The special permit shall lapse if the recipient of the special permit ceases operation of the Marijuana Business for a period of one hundred and eighty (180) consecutive days and/or if special permit recipient’s registration is revoked, expires, or is terminated by the Department of Public Health or licensure by the Cannabis Control Commission. The special permit recipient shall notify the City Clerk and Inspection Department in writing within forty-eight (48) hours of such lapse, cessation, discontinuance or expiration.

   d. The Marijuana Business shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, relocation to a new site or for any other cessation of operation. The Special Permit Granting Authority may require the applicant to post a bond as a condition of approval to cover the costs of any demolition or dismantling associated with the Marijuana Business.

   e. No later than January 31 of every year in operation, the Marijuana Business shall submit to the City Clerk and Inspection Department a copy of all current applicable state licenses and registrations for the business, any updates to its operating policies and the current insurance policies for the Marijuana Business.
f. The Building Inspector may enter any Marijuana Business during regular business hours to determine whether the business remains in compliance with the conditions of its special permit.

g. The Marijuana Business shall submit to the City Clerk and Inspection Department a copy of any Incident Report required under 105 CMR 725.110(F) and 935 CMR 500.000 within twenty-four (24) hours of creation. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

h. The Marijuana Business shall submit to the City Clerk and Inspection Department a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, or final action regarding the marijuana business issued by the Department of Public Health, Cannabis Control Commission, or other state agency within forty-eight (48) hours of receipt by the Marijuana Business.

i. Insurance compliant with the greater of the requirements of the following: MGL Ch. 94G, Ch. 94I, Ch.369 of the Acts of 2012, 105 CMR 725.000 and 935 CMR 500.000 must be in full force and effect prior to issuance of a Certificate of Use and Occupancy.

2. The Special Permit Granting Authority may impose, in addition to any applicable conditions specified herein, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance, including, but not limited to, the following — front, side, or rear yards greater than the minimum required by this ordinance; screening buffers or planting strips, fences or walls; limitation upon the size, method and time of operation; time duration of the permit; regulation of number and location of driveways or other traffic features; and off-street parking.

I. Conflict–of–Laws — In the event of any conflict between the provisions of this ordinance and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall prevail. In addition, any terms not defined in this section but defined elsewhere in the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended, Building Codes and Board of Health Regulations, or any Massachusetts laws and regulations shall have the meanings given therein to the extent the same are not inconsistent with this section.

§17–10.16 TRANSIT ORIENTED DEVELOPMENT

§17–10.16.1 PURPOSE AND INTENT

The purpose of the Transit Oriented Development (TOD) zoning district is to create and promote a blend of compact and very highly intensive residential, retail, office, civic entertainment, and institutional uses, and to create and promote the retention of uses in areas with high potential for enhanced mass transit and pedestrian activity with less reliance on the automobile. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning district. The development standards are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by encouraging an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking.
§17–10.16.2 REQUIRED SITE PLAN

The contents of a site plan for any proposed development in the “TOD” zoning district, whether by–right or by special permit, shall comply with the provisions pursuant to §17–15.0(J) SITE PLAN REVIEW – MINOR AND MAJOR SITE PLAN REVIEW SUBMISSION MATERIALS.

§17–10.16.3 DIMENSIONAL AND INTENSITY REQUIREMENTS

1. The minimum lot area is 20,000 square feet.

2. The minimum building height is two (2) stories.

3. The maximum building height is seven (7) stories. Further provided that no building shall exceed by more than two stories or thirty (30') feet, whichever is less, the height of any abutting building. If a proposed building is to be constructed between two existing buildings of varying height, the shorter of the two existing buildings shall serve as the reference.

4. The minimum lot frontage is fifty (50') feet. Where deemed appropriate, the frontage may be reduced to less than fifty (50') feet or waived completely by special permit provided that pedestrian and vehicular access to a development lot is provided by easement or other method and furthermore, it is demonstrated that such a reduction furthers the purposes, the spirit and intent of the “TOD” zoning district.

5. The minimum lot width is fifty (50') feet. Where deemed appropriate, the minimum lot width may be reduced by special permit, but in no case can it be reduced to less than the lot frontage.

6. The minimum front yard setback in the “TOD” zoning district is zero (0') feet. In instances when the minimum lot frontage requirement is waived by special permit pursuant to §17–10.16.4 DIMENSIONAL REQUIREMENTS, any building on the landlocked lot must maintain a minimum twenty (20') foot setback from the adjoining property line(s) that is nearest to the principal building on the adjoining property.

7. The minimum side yard setback in the “TOD” zoning district is zero (0') feet. Alleys between buildings may be encouraged for the provision of beneficial public connections, open spaces, and walkway connections, where deemed appropriate.

8. The minimum rear yard setback in the “TOD” zoning district is zero (0') feet.

9. Minimum building coverage is sixty (60%) percent.

10. Maximum building coverage is eighty–five (85%) percent.

11. The maximum floor–to–area ratio (FAR) is 3.

12. The number of dwelling units is a function of the proportion of the FAR devoted to residential use.
§17–10.16.4 Off–Street Parking Regulations

The contents of §17–10.16.5 Off–Street Parking Regulations establishes off–street parking lot standards within the “TOD” zoning district, which satisfy the general purposes established in §17–10.16.1 Purpose and Intent. These standards are intended to establish a guideline, they may be flexibly administered due to peculiarities of any given proposal, as there are a variety of types of land uses and the relationships between them. Therefore, the permit granting authority may permit variations from the regulations herein by modifying standards if it finds that such departure is more likely to satisfy the intent set forth herein.

1. Shared off–street parking is encouraged particularly on lots serving more than one principal use (see §17–5.5 Combined Facilities).

2. Parking lots shall be located to the rear of buildings.

3. A minimum of fifteen (15%) percent of all parking lots shall be landscaped.

4. Parking lots with more than thirty (30) off–street parking stalls shall be interrupted by properly designed raised landscaped islands of at least five (5') feet in width and twenty (20') feet in length. Each landscaped island shall contain at least two (2) shade trees. Landscaped islands may be used in the calculation to satisfy the provisions of §17–10.16.5(3) Off–Street Parking Regulations.

5. Parking lots shall be screened along all sidewalks by a landscaped buffer of not less than four (4') feet in width.

6. Parking lots shall provide adequate security lighting and landscape lighting.

7. Parking lots shall provide well–designed and marked pedestrian walkway connections to the sidewalk system.

8. Parking structures shall provide well–designed and marked connections to surface parking lots, walkways/sidewalks, and streets.

9. Parking structures shall be designed, to the extent practicable, to be compatible with adjacent buildings and architecture.

10. Parking structures and parking lots shall display well–placed and proper signage that shows the location and best means of access to the commuter rail station.

11. Parking structures shall be designed so that vehicles are not visible/discernible from outside view through the use of architectural treatments.

§17–10.16.5 Design Standards and Guidelines

In addition to the site plan review criteria contained in §17–15.0(K) Site Plan Review Criteria, the following shall apply to the “TOD” zoning district.

1. The minimum width of unobstructed sidewalks shall be five (5') feet and they shall consist of concrete and held in place by granite curbing. The typical curbing reveal shall be six (6") inches but this may be reduced at the discretion of the Superintendent of Public Works based on existing curbing conditions in the field. Sidewalks shall comply with all applicable ADA requirements.

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2. The minimum width of a one-way driveway shall be twelve (12') feet. The minimum width of a two-way driveway shall be eighteen (18') feet and they shall consist of concrete and held in place by granite curbing. The minimum width of either a one-way driveway or a two-way driveway may be increased at the discretion of the Fire Chief.

3. All buildings, landscaped areas, walkways, and parking areas shall be properly illuminated with aesthetic and security considerations. Lighting fixtures and poles shall complement, or to the extent practicable, conform to the style, height, color, and features of public streetscape lighting in the “TOD” zoning district.

4. All utilities shall be placed underground.

5. The main entrance of any building shall face a street. For purposes of this ordinance, a driveway does not constitute a street.

6. The main entrance of any building shall not be set back more than five (5') feet from the front property unless a public seating area or plaza is provided in front of the building.

7. Except for façades facing a parking lot, façade modulation through window patterns, varying materials/colors/textures, awnings, varying rooflines, and/or other architectural treatments are encouraged. Monolithic blank walls are strongly discouraged.

8. The ground floor of a front commercial façade shall contain no less than thirty (30%) percent glass.

9. Architectural style and materials shall be compatible with surrounding buildings and must provide a visually interesting environment.

10. All buildings shall articulate the line between the ground floor with the upper level floor(s) with a cornice, canopy, or other architectural visual device.

11. The height of any sign, whether freestanding or affixed to a building, may extend no higher than the height of the ground story.

12. Signage may be either parallel or perpendicular to a building. If a sign is perpendicular, the bottom of the sign must have no less than seven (7') feet of clearance as measured from the ground elevation and may project no further than three (3') feet from the building’s façade.

13. The total area of a sign shall not exceed twenty-five (25%) percent of a building’s ground floor front façade wall area.

14. Signage may be double-sided.

15. Signage may be illuminated. The permit granting authority reserves the right to regulate the illumination of a sign whether internally or externally illuminated, the hours of illumination, the relative brightness of the illumination, and other characteristics such as gyration, flashing, message boards, so forth.

16. Signage’s use of color, shape, and material shall be complementary.
§17–10.17 RAISING AND KEEPING POULTRY NOT FOR COMMERCIAL USE

For purposes of this section, poultry is restricted to hens, guinea fowl, quail, as well as domesticated ducks and geese, and their uses are limited to pets and/or for their eggs or consumption. Raising and keeping six (6) or fewer poultry as an accessory use for non–commercial purposes is allowed by–right in any “Residential” zoning district. Raising and keeping more than (6) poultry as an accessory use for non–commercial purposes may be permitted by special permit in any “Residential” zoning district pursuant to §17–9.0 SPECIAL PERMITS. In all instances, raising and keeping poultry is subject to the following conditions:

1. All poultry must be provided with both a coop and a fenced outdoor enclosure or run, subject to the following provisions:
   a. the fenced outdoor enclosure or run must adequately contain the poultry;
   b. the coop must be covered, predator and vermin resistant, and well–ventilated;
   c. the coop must be located at least thirty (30') feet from the front property line;
   d. the coop must be located at least four (4') feet from any side and rear property lines but no less than fifteen (15') feet from the nearest abutting principal residential structure, whichever distance is greater;
   e. the coop and the outdoor enclosure or run shall be regularly cleaned and maintained to control odors, waste, and dust so as to prevent or minimize to the extent practicable nuisances related to such activities;

2. If the established use on the premises is residential, the owner of the poultry must be a resident of said dwelling. In addition, no live poultry may be kept or raised within the dwelling.

3. Roosters are expressly prohibited.

4. Poultry not listed herein, such as but not limited to turkeys, pheasants, and pigeons, may be permitted by special permit pursuant to §17–9.0 SPECIAL PERMITS.

5. A person shall only keep poultry with a valid permit issued by the Attleboro Health Department; and said poultry shall be licensed annually.
**SECTION 17–11.0**

**DEFINITIONS**

§17–11.1 GENERAL

For the purpose of this ordinance and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words “used” or “occupied” include the words “designed”, “arranged”, “intended”, or “offered”, to be used or occupied; the words “building”, “structure”, “lot”, “land”, or “premises” shall be construed as though followed by the words “or any portion thereof” and the word “shall” is always mandatory and not merely directory. Terms and words not defined herein but defined in the Massachusetts State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the §17–3.4 TABLE OF USE REGULATIONS – RETAIL, SERVICE AND COMMERCIAL and §17–3.4 TABLE OF USE REGULATIONS – WHOLESALE, TRANSPORTATION AND INDUSTRIAL shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

§17–11.2 DEFINITIONS

**Abandonment**: The visible or otherwise apparent intention of an owner to discontinue to use of a building or premises; or the removal of the characteristic equipment of furnishing used in the performance of the non–conforming use, without its replacement by similar equipment or furnishings; or the replacement of the non–conforming use of building by a conforming use or building.

**Adult Bookstore**: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL CH. 272, §31. For the purpose hereof, the words “substantial or significant” shall mean more than twenty-five (25%) percent of the establishment’s inventory of stock or more than twenty-five (25%) percent of the establishment’s gross floor area.

**Adult Cabaret**: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment that regularly features:

a. persons who appear in a state of nudity; or

b. live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL CH. 272, §31; or

c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in MGL CH. 272, §31.

**Adult Motion Picture Theatre**: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL CH. 272, §31.
**Adult Paraphernalia Store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys that are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL Ch. 272, §31. For the purposes hereof, the words “substantial or significant” shall mean more than twenty-five (25%) percent of the establishment’s inventory of stock or more than twenty-five (25%) percent of the establishment’s gross floor area.

**Adult Video Store:** An establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, §31. For the purposes hereof, the words “substantial or significant” shall mean more than twenty-five (25%) percent of the establishment’s inventory of stock or more than twenty-five (25%) percent of the establishment’s gross floor area.

**Alteration:** Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories or exits, size, use of location of a building or other structure.

**Amusement Arcade:** Any premises wherein over fifty (50%) percent of the floor space available to the public is reserved for mechanical or electrical devices furnishing amusement upon a deposit of money or five or more such amusement devices are installed. For purposes of computing percentage of floor space used, each amusement device shall be considered to require space equal to two hundred (200%) percent of the actual floor space covered by said device.

**Antenna:** Any structure, device, or platform used for the purpose of collecting or radiating electromagnetic waves, including, but not limited to, directional antennae (such as panels, microwave dishes, and satellite dishes) and omnidirectional antennae (such as whip antennae), which are located on the exterior of, or outside of, any wireless telecommunications tower, building, or other structure.

**Automobile Body Shop and/or Facility for Major Repairs:** An establishment, available to the public and operated for gain, engaging in any type of automobile body work, painting, and/or repairs, including major engine and transmission repairs, and excluding the selling of automobile fuel.

**Automobile Service Station:** An establishment, other than a private garage, available to the public and operated for gain which supplies fuel, oil and automobile accessories to motor vehicles, and which may include grease racks or elevators and may provide repairs for the normal and safe operation of automobiles, excluding body work and painting.

**Basement:** A portion of a building, partly below grade, which has less than one-half of its height, measured from finished floor to finished ceiling below the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four (4’) feet or more above the average grade.

**Bituminous Concrete/Asphalt Plant:** a use of land, building or structure, or parts thereof, whether portable or nonportable, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with asphalt cement, bitumen, liquid asphalt, and/or tar. Asphalt plant includes, but is not limited to, the systems for screening, handling, storing and weighing hot aggregate, systems for loading, transferring and storing mineral filler, systems for mixing asphalt concrete, stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business.

**Board:** The Board of Appeals of the City of Attleboro, Massachusetts.
Brewpub: An establishment wherein the primary use is a restaurant which specializes in producing craft beers in limited quantities for on-site retail sale to restaurant patrons. Other ancillary uses may include beer tastings and tours as well as retail sales of related goods all of which are subject to all applicable statutes of the Commonwealth.

Buffer, “No Cut”: A designated area within which all vegetation remains in its natural state.

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, “roof” shall include an awning or any similar covering, whether or not permanent in nature.

Building Area: The aggregate of maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces.

Building Line: The line established by this ordinance beyond which a building shall not extend, except as specifically provided in this ordinance, which is a line set back thirty (30’) feet from and parallel to the frontage line.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building, Coverage: The building area expressed as a percent of the total lot area.

Building, Detached: A building having open space on all sides.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Trade: Shop of a carpenter, plumber, electrician, mason, builder, or similar occupation.

Bus, Taxi, Rail Station: Station where transport vehicles load or unload passengers or goods.

Bus, Taxi, Rail Terminal and/or Maintenance Facility: Facility where transport vehicles are stored, garaged, and/or repaired.

Cellar: A portion of a building, partly or entirely below grade which has half or more than one-half or its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

Certificate of Use and Occupancy: A statement signed by the Inspector of Buildings, setting forth either that a building or structure complies with the ZONING ORDINANCE or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

Concrete plant: a use of land, building or structure, or parts thereof, whether ready mix or central mix, which combines various ingredients such as, but not limited to, sand, water, aggregate (rocks, gravel), fly ash, potash, and/or cement, to form concrete. A concrete plant shall include those parts and accessories, including mixers, cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, and batch plant controls.

Co–Location: The location of more than one antenna on a wireless telecommunications tower, building, or other structure.
Craft Brewery: A brewery, such as a microbrewery or a nanobrewery, producing not more than 15,000 barrels of beer on an annual basis for on–site wholesale and retail sale and tastings, which is much smaller than large–scale corporate breweries, independently owned, and generally characterized by its emphasis on quality, flavor and brewing technique.

Craft Shop: Shop of a craftsman where articles or goods are produced, assembled, processed or manufactured on a custom or individual basis involving the use of hand tools or small mechanical equipment. Typical craft shop operations include on–site production of custom furniture, custom cabinets and counter tops, stonewalls and patios, custom jewelry, glass blowing, ceramic studios, sculptors, photographers, and other similar products where all storage is indoors, as well as retail and wholesale sales.

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

Day Care, Group Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre–school, or known under any other name which receives children, not of common parentage, under seven years of age, or under sixteen years of age if such children have special needs, for non–residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include; any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre–school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Development, Residential Cluster: A development consisting of a minimum of two (2) residential buildings comprised of two–family dwellings, multi–family dwellings, or a combination thereof.

District: A zoning use district as established by §17–2.0 ESTABLISHMENT OF DISTRICTS of this ordinance.

Drive–In–Eating Establishment: A business establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

Driveway: An open space, located on a lot which is not more than twenty–five (25') feet in width built for access to a garage or off–street parking or loading space.

Dump: A site intended or used for disposal, including open burning of solid waste, not in accordance with an approved operations plan and with the requirements for a landfill; dumps are not permitted land use in Attleboro.

Dwelling: A privately or publicly owned permanent structure which is occupied in whole or part as the home residence or sleeping place of one or more persons. The term “one family”, “two–family”, or “multi–family” dwelling shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.
Dwelling, Attached Single–Family: A building containing two, three or four dwelling units.

Dwelling, Downtown Residential Cluster: A residential building containing a minimum of eight (8) attached dwelling units, including apartment house and garden apartment house, whereby residential units on the first-floor level are regulated by special permit and residential units above the first-floor level are permitted by–right.

Dwelling, Multi–Family: A building containing three or more dwelling units and including apartment house and garden apartment house.

Dwelling, One–Family: A detached building containing one dwelling unit.

Dwelling, Primarily for the Elderly and Handicapped: Any multi–family dwelling and two–family dwelling in which the elderly and handicapped shall at all times be given priority in occupancy, and which at no time shall have less than fifty (50%) percent of the units occupied by the elderly, and which at no time shall have more than fifteen (15%) percent of the units occupied by those other than the elderly and handicapped. The word “elderly” as used herein is defined as any person who is 55 years or older, and the word “handicapped” as used herein is defined as any person whose impairment –
   a. is expected to be of continued and definite duration,
   b. substantially impedes her/his ability to live independently, and
   c. is such that his/her ability to live independently could be improved by more suitable housing.

Dwelling, Two–Family: A building containing two dwelling units.

Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single house–keeping unit with permanent provisions for living, sleeping, eating, cooking and sanitation.

Essential Services: Services provided by public or private utility, or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate services by such public or private utility, or governmental agencies for the public health, safety, or general welfare.

Facility in Which Children Commonly Congregate: means facilities in which children gather for a particular purpose in a structured and scheduled manner or which are dedicated to the use of children, such as youth services programs, youth sports facilities, dance schools, and gymnastic schools. It does not include other facilities, such as ice cream shops, or any other type of business where children may happen to congregate, but not in a structured, scheduled manner.

Fall Zone: The potential fall area of a wireless telecommunications tower or a wind turbine tower.

Family: An individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood, marriage or legal adoption, but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of seven individuals shall constitute a single family.
**Feedstock:** Any bulk raw material constituting the principal input for an industrial process.

**Flea Market:** Any group of independent vendors gathered at a central location open to the public to display and sell merchandise, with such sales transactions conducted separately and the ensuing sales tax collected and reported separately, regardless of whether a participating vendor owns the location, a fee is charged for vendor participation, or a fee is charged to the public to enter the area and view the displays. Sales sponsored by civic, religious and non-profit fraternal organizations for the sole benefit of such organizations shall not be considered flea markets under this definition.

**Flicker:** The moving shadow created by the sun shining on the rotating blades of a wind turbine.

**Floor Area, Gross:** The sum of the gross horizontal area of the several floors including basements of a principal building and its accessory building on the same lot, measured from the exterior faces of the walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorating purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance; or any such floor space intended or designed for accessory heating ventilating and air-conditioning equipment.

**Floor Area Ratio:** The ratio of the gross floor area to the total lot area.

**Frontage:** *see* Lot Frontage

**Garage, Community:** A group of private garages, either detached or under one roof, arranged in a row or around a common means of access.

**Gasification/Gasify:** a thermo–chemical process that converts carbon–containing materials (feedstock), such as coal, petroleum coke (pet coke), biomass, waste, or other materials, with little or no oxygen present and at high temperatures, into a synthetic gas or synthesis gas (syngas).

**Gasification Facility:** a structure with a capacity to gasify five hundred (500) pounds or more of feedstock in a twenty–four (24) hour period.

**Glazing:** the transparent part of a wall.

**Hazardous Waste:** waste that poses significant threat to public health and exhibits volatile characteristics, including toxicity, reactivity, ignitability and corrosiveness, which appears on federal or state official lists of hazardous wastes.

**Hazardous Waste Facility:** a structure that includes loading docks, parking areas, storage areas and other related areas where hazardous waste is held or stored.

**Health Care Facility:** Nursing home, rest home or sanitarium providing twenty–four (24) hour inpatient services for the treatment and/or care of elderly, invalid or convalescent persons.

**Height:** The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof, or to the highest part of a sign.
**Heliport:** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

**Helicopter Landing Site:** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, but no auxiliary facilities.

**Hospital:** An institution providing acute twenty-four (24) hour inpatient services which include, but are not limited to the treatment of emergencies, intensive and patient care units for adults and children, and major clinical, diagnostic and therapeutic health care services.

**Hospital–Related Services:** Hospital or health care related commercial services, such as laboratories, pharmacies, laundries, and medical equipment rentals, which are operated by and on the principal premises of a hospital or health care facility.

**Household, Low–Income:** Households that qualify for “Low–Income” status as defined by the income guidelines of the most recent Providence Metropolitan Statistical Area (PMSA).

**Household, Moderate–Income:** Households that qualify for “Moderate–Income” status as defined by the income guidelines of the most recent Providence Metropolitan Statistical Area (PMSA).

**Hospital, Veterinary:** A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

**Hotel:** A facility offering transient lodging accommodations to the general public, containing more than fifty (50) sleeping rooms, and having a common entrance, providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities but not including a boarding house, lodging house or rooming house.

**Junk:** Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

**Junkyard:** The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

**Kennel, Commercial:** A pack or collection of dogs on single premises maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, and including any shop where dogs are on sale.

**Kennel, Residential:** A pack or collection of more than three (3) dogs, three (3) months old or over, owned or kept by a person on a single–premises and maintained exclusively as domestic pets and not maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes.

**Landfill:** The site and the process for the disposal of solid waste in an environmentally sound manner by compaction and deposit in trenches or on the surface and covering daily with approved cover material in accordance with an operations plan approved by the Massachusetts Department of Environmental Protection or other agency having jurisdiction; includes
incidental operations and facilities, such as sorting or separation, shredding, baling, transfer stations, and partial resource recovery, but does not include incineration or open burning.

**Landscaping:** Improvements to land to enhance its attractiveness and facilitate its use and enjoyment by planting or removal of vegetation, application of pavement, surface materials or ground cover and minor grading which does not alter the overall surface drainage pattern or change the grade at any point by more than one (1') foot vertically.

**Light Manufacturing:** Fabrication, processing, or assembly employing only electric or other inoffensive motor power, utilizing hand labor or quiet machinery and processes, mechanical or chemical transformation of materials or substances, whether the new product is finished or semi–finished as raw material in some other process, into new products including the fabrication, processing, assembly or blending of materials such as lubricating oils, plastics or resin that are free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or bright lights, refuse matter, electromagnetic radiation, heat or vibration.

**Lodging House and/or Guest House:** A building containing four or more lodging units.

**Lodging Unit:** One or more rooms for the semi–permanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A “lodging unit” shall include rooms in boarding houses, lodging houses, tourist homes, guest houses or rooming houses. It shall not include convalescent, nursing or rest homes, dormitories or charitable educational or philanthropic institutions; or apartments or hotels.

**Lot:** An area or parcel of land or any part thereof, including an internal pond wholly on the lot, designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Bristol County Registry of Deeds.

**Lot, Corner:** A lot at the point of intersection of an abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended street lot lines, being not more than one hundred and thirty–five (35°) degrees.

**Lot Coverage:** that portion of a lot that is or may be covered by structures, accessory structures, and impervious surfaces.

**Lot Frontage:** The continuous distance measured along the street lot line pursuant to MGL Ch. 41 §81L between the points of intersection of the side lot lines with the street lot line. In the case of a curve, lot frontage is measured along the arc distance along the curve.

**Lot, Landlocked:** Any lot that does not have lot frontage.

**Lot Line, Rear, Side:** Any lot boundary that is not a street line.

**Lot Line, Street:** The boundary line of a lot separating the lot from the adjacent street as defined by plan or deed.

**Lot, Through:** A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.
Lot Width: The horizontal distance from lot line to lot line measured parallel to the street lot line at the minimum front yard depth required by this ordinance, provided that the distance between side lot lines or a side lot line and the opposite street lot line is not less than the minimum required lot frontage at any point within the required front–yard depth.

Marijuana Business: means a Marijuana Establishment or a Medical Marijuana Treatment Center (MMTC).

Marijuana Cooperative, Craft: means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a Limited Liability Company, Limited Liability Partnership or Cooperative Corporation under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, and that is duly licensed by the Cannabis Control Commission in accordance with MGL CH. 94G and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations, to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to marijuana businesses but not to consumers.

Marijuana Cultivator: means an entity duly licensed by the Cannabis Control Commission in accordance with MGL CH. 94G and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations, to cultivate, process and package marijuana, and to transfer marijuana to other marijuana businesses, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator. The cultivation and processing of marijuana in accordance with this definition is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Marijuana Establishment: means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (MMTC).

Marijuana Product Manufacturer: means an entity duly licensed by the Cannabis Control Commission in accordance with MGL CH. 94G and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations, to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers. The manufacturing and processing of marijuana in accordance with this definition is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Marijuana Research Facility: means an entity duly licensed by the Cannabis Control Commission in accordance with MGL CH. 94G and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations, to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products. A research facility may be an academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth. Any research involving humans shall be authorized by an Institutional Review Board.

Marijuana Retailer: means an entity duly licensed by the Cannabis Control Commission in accordance with MGL CH. 94G and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations, to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
**Marijuana Testing Laboratory, Independent:** means a laboratory that is duly licensed by the Cannabis Control Commission in accordance with MGL Ch. 94G and 935 CMR 500.000 or a laboratory that has received a Certificate of Registration from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 and pursuant to all other applicable state laws and regulations and is: (i) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third–party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any marijuana business or licensee for which it conducts a test; and (iii) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160, 105 CMR 725.000 and MGL Ch. 94C, §34.

**Marijuana Transporter:** means an entity, not otherwise licensed by the Cannabis Control Commission, that is duly licensed by the Cannabis Control Commission in accordance with M.G.L. c. 94G, and 935 CMR 500.000, and pursuant to all other applicable state laws and regulations to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to a Marijuana Establishment, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third–Party Transporter.

**Medical Marijuana Treatment Center (MMTC):** means an entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.

**Medical Marijuana Dispensary Center (MMDC):** means a not–for–profit entity registered under 105 CMR 725.100, to be known as a registered RMD that acquires, possesses, processes (including development of related products such as edible marijuana–infused products), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMDC refers to the site(s) of dispensing and preparation of marijuana.

**Medical Marijuana Cultivation Center (MMCC):** means a not–for–profit entity registered under 105 CMR 725.100, to be known as a registered RMD that cultivates, possesses, processes (including development of related products such as edible marijuana–infused product, tinctures, aerosols, oils, or ointments), transfers, transports, sells or distributes marijuana, products containing marijuana, and related supplies to a qualified Medical Marijuana Dispensary Center. Unless otherwise specified, MMCC refers to the site(s) of cultivation of marijuana.

**Membership Club:** A social, sports, or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

**Mobile Home:** A dwelling unit built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or a permanent foundation for permanent living quarters.

**Mobile Home Park:** Any parcel of land, under single or common ownership or control, which contains, or is designed, laid out or adapted to accommodate mobile homes.
Motel: An establishment, including inns and motor inns, providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building but not including a boarding house, lodging house or rooming house.

Open Space, Protected: In open space residential developments, land that is un–built upon and preserved in its natural state through a legal restriction or conveyance for the purposes of open space preservation, conservation, or passive recreation.

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

Passive Recreation: Recreational activities using no motorized vehicles and requiring no structures, buildings, or paving except for any structures, buildings, or paving associated with walking trails.

Personal Caregiver: means a person, registered by the Department, who is at least twenty–one (21) years old, who has agreed to assist with a registered qualifying patient’s medical use of marijuana, and is not the registered qualifying patient’s certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under eighteen (18) years of age as a second caregiver.

Physical Fitness/Workout Gymnasium: A commercial facility engaged in instructional and/or direct exercise and fitness activities that is equipped with bars, barbells, weights, benches, mechanical weight machines, cardiovascular machines such as but not limited to ellipticals, treadmills, stationary bicycles, and stationary escalators, indoor swimming pool and sauna, indoor running/walking track for individual physical fitness that is open to the public/walk−in on a membership basis.

Physical Training Service Establishment: A commercial facility engaged in instructional and/or direct exercise and training activities, including but not limited to aerobic dance, personal training, yoga classes, fitness classes, spinning classes, Pilates classes, and other related physical training conditioning activities.

Potentially Developable Area: The area of land that lies outside of Primary Conservation Areas and, to the extent practicable, avoids intrusion into Secondary Conservation areas. Primary and Secondary Conservation Areas are identified on site plans pursuant to the required OSRD design process.

Power, Biomass: electricity or other forms of power developed from organic products – “fuel” – such as landfill waste, crop residues and plant material, or animal manure. Biomass fuels are converted into power or other fuel sources through combustion.

Power Plant: a structure, also referred to as a generating station, power station, or powerhouse, for generating energy from materials including, but not limited to, coal or bio–mass through processes including, but not limited to, incineration or nuclear reaction.

Qualifying Patient: means a Massachusetts resident eighteen (18) years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under eighteen (18) years of age who has been diagnosed by two Massachusetts licensed certifying physician, at least one of whom is a board–certified pediatrician or board–certified pediatric subspecialist, as having a debilitating medical condition that is also a life–limiting illness, subject to 105 CMR 725.010(J) (or its successor regulation).
Refuse Incineration Facility: a structure for converting waste materials into ashes through a combustion process.

Registered Marijuana Dispensary (RMD): means a not–for–profit entity registered under 105 CMR 725.100 (or its successor regulation), which operates as a Medical Marijuana Dispensary Center (MMDC) and/or a Medical Marijuana Cultivation Center (MMCC).

Research and Development Facility: a facility used primarily for research, development, and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The research or testing may be associated with these. Such facilities include the research and development of renewable and alternative energy technologies, but do not include research and development of chemical and biological weaponry.

Segmentation: The phasing of development activities on a parcel(s) such that the applications for separate phases would receive a lower level of permit review than if the phases were considered in the aggregate. This process is applicable to individual parcels or more than one contiguous parcel that may be in common ownership or may otherwise be developed in a coordinated manner through a common petitioner.

Sign: Any permanent structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by any means, including intermittent or repeated motion of illumination.

Small Wind Energy System: A wind energy conversion system consisting of a single wind turbine tower, which has a rated capacity of 60 kilowatts or less and will be used for onsite consumption.

Solar Reflectance Index (SRI): A value that incorporates both solar reflectance and emittance in a single value to represent a material's temperature in the sun. SRI quantifies how hot a surface would get relative to standard black and standard white surfaces. It is calculated using equations based on previously measured values of solar reflectance and emittance as laid out in the American Society for Testing and Materials Standard E 1980.

Special Permit Granting Authority: The Board of Appeals, Planning Board, or the Municipal Council, as designated in this ordinance for the issuance of special permits.

Sportsplex/Sports Complex, Indoor: An indoor recreational facility intended to accommodate one or more sports and recreational uses including, but not limited to soccer, basketball, batting cages, ice skating, ice hockey, rollerblading, and track. Accessory uses are allowed on the premises such as the sale of retail sporting gear associated with the types of sporting activities within the Sportplex, as well as food courts, ATMs, and other related complementary uses and activities that are within the range of uses referenced herein, as determined by the Zoning Board.

Storage Container, Temporary (or portable) Outdoor: a temporary (portable) outdoor storage container is a transportable unit intended to be used on a limited and temporary basis for the storage of household goods and wares, personal items, building materials, and other materials that are customarily related and incidental to the principal use established on the premises. A temporary (portable) outdoor container is not defined as a shed or a bin.

Storage, Self– and Mini–: Any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a “self–service” basis. Such self–storage facilities lease/rent space to individuals, usually storing household goods, or to small businesses, usually storing excess inventory or
archived records. Self–storage facility operators frequently provide controlled access to rental space areas, individual door alarms, interior units lights, and security cameras. The storage of explosives, ammunition, radioactive materials, or any flammable liquids, solids, or gases are prohibited.

**Story:** The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one–third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four (4') feet or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used or intended to human occupancy.

**Story, Half–:** A space intended for use for human occupancy in which the height of vertical exterior walls between the floor and intersection with rafters of a sloping roof is four (4') feet or less.

**Structure:** A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, sign, windmill, wireless telecommunications tower, solar collectors (roof top or otherwise), shelter, pier, wharf, temporary outdoor storage container, bin or the like.

**Technology, Alternative Energy:** Technology that uses, or enables the use of, energy generated in ways that do not deplete natural resources or create byproducts that are harmful to the environment, especially by avoiding the use of fossil fuels. Such technologies include combined heat and power as well as electric and hydrogen powered vehicles, including associated equipment and facilities, but do not include biomass power or gasification technologies.

**Technology, Renewable Energy:** Technology that uses, or enables the use of, energy which can be obtained from natural resources that are not depleted when used. Such technologies include solar, wind, low impact hydro, ocean thermal, geothermal, fuel cells, and advanced biofuels.

**Use:** The purpose of which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

**Use, Accessory:** Non–principal uses, buildings and structures customarily incidental and subordinate to the principal permitted use of the premises occupying not over forty (40%) percent of the land or the floor area.

**Use, Principal:** The main or primary purposes for which the use of land or a structure is designed, arranged, or intended, or for which it may be used, occupied or maintained.

**Wetlands:** The term wetlands as used in this ordinance shall mean wet meadows, marshes, swamps, bogs; areas where ground water, flowing or standing surface water, or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year, emergent and submergent plant communities in inland water; and/or that portion of any bank which touches any inland waters.

**Wind Turbine (or Windmill):** A turbine that is powered by the wind. A wind turbine is a machine that consists of blades and associated mechanical and electrical conversion components that is mounted on top of a tower and converts the wind’s kinetic energy into rotary mechanical energy. The rotational energy is converted into electricity by using a generator.

**Wind Turbine (or Windmill) Tower:** A self–supporting monopole or guyed monopole structure that supports a wind turbine.
Winery, Micro-: A small wine producer that produces small batches of various wines from grapes, primarily for local consumption, by following winemaking processes. Typically, a small batch of wine is defined as yielding six (6) gallons. A micro-brewery does not have its own vineyard on the premises and instead sources its grape product from vineyards owned elsewhere by the winery or from outside suppliers. That such a facility also may involve related ancillary on-site uses including warehousing/storage of wine, associated laboratories, wine tastings, as well as retail and wholesale sales.

Wireless Telecommunications Facility: Support facilities that are typically associated with a wireless telecommunication tower including, but not limited to, the compound equipment area, concrete pad(s), booster cabinets, BTS cabinets and battery base units, power/telco cabinets, battery backup cabinets, CSC cabinets, multi-gang meter boards, transformers, perimeter fencing, ice bridge, and gravel access drive.

Wireless Telecommunications Tower/Facility: Any structure, including self-supporting lattice towers, guy towers, or monopole towers, whether free-standing or in association with a building or other permanent building or structure, that is used primarily for the purposes of supporting one or more antennae for cellular telephone service. For purposes of this definition and pursuant to MGL Ch. 40A §3, HAM radio towers are excluded from this definition and from the regulatory provisions pursuant to §17–10.13 WIRELESS TELECOMMUNICATIONS TOWER/FACILITY.

Yard: A portion of a lot upon which the principal building is situated unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the street lot line.

Yard, Rear, Side: The space between the line, other than a street line, and the nearest wall of principal building or structure.

Yard Sale: The sale of personal property conducted on a residential lot of land or in a building thereon. The term shall include garage sales, rummage sales or other similar sales, which are advertised by a sign or other means, for the public to attend.

Yield Plan: A site plan that shows a conventional subdivision layout, which conforms to the applicable provisions pursuant to the ZONING ORDINANCE, the LOCAL WETLANDS ORDINANCE, the WETLANDS PROTECTION ACT (MGL Ch. 131, §40), and the RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, showing the maximum number of lots and units that could feasibly be placed on the site.
SECTION 17–12.0
FLOODPLAIN DISTRICT

§17–12.1 GENERAL

The floodplain district is superimposed over any other district established by this ordinance. The floodplain district shall include those areas within the 100–year floodplain and specifically includes all special flood hazard areas within the City of Attleboro designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the City of Attleboro are panel numbers 25005C0092F, 25005C0094F, 25005C0109F, 25005C0117F, 25005C0118F, 25005C0119F, 25005C0136F, and 25005C0137F dated July 7, 2009 and panel numbers 25005C0104G, 25005C0106G, 25005C0107G, 25005C0108G, 25005C0111G, 25005C0112G, 25005C0113G, 25005C0114G, 25005C0116G and 25005C0128G dated July 16, 2015. The exact boundaries of the floodplain district may be defined by the 100–year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Zoning Board of Appeals, Building Commissioner, and Conservation Commission. Elevations noted upon said maps and study shall be considered prima facie evidence of the 100–year flood levels. Where elevations are lacking, the 100–year flood level shall be provided by the applicant based on the best available engineering and historic data (also see §17–12.6(C) SPECIAL PERMITS).

§17–12.2 DEFINITIONS

Base Flood, also called 100–year flood, means the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of one (100) hundred years.

Floodway is defined as the normal channel of a river or other watercourse and those portions of the floodplain adjoining the normal channel which are reasonably required to carry off the base flood and which channel and the floodplain are within a floodway area on the Flood Insurance Rate Maps abutting (and inclusive of) a river, brook or stream identified in Table 1 or Table 3 of the Flood Insurance Study (said maps and study referenced in §17–12.1 GENERAL).

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, as defined by the Massachusetts State Building Code, used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor.

Mean Sea Level means, for purposes of this section, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.
§17–12.3 OBJECTIVES

A. To promote the health and safety of the occupants of lands subject to seasonal or periodic flooding in those areas located in the floodplain district.

B. To prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by controlling the alteration or relocation of such water course, and by preventing encroachment by any future public or private development in the floodway, which would result in an increase in the base flood level.

C. To preserve the natural flood control characteristic and the water storage capacity of the floodplain.

D. To protect the public from hazard and loss through the regulation of future development of land adjoining such watercourses.

E. To affect the safety and purity of water, the control and containment of sewage, the safety of gas, electric, fuel and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

F. To implement the requirements of the National Flood Insurance Program and the floodplain management criteria mandated by said program.

§17–12.4 ADMINISTRATION

A. The Inspector of Buildings shall administer this ordinance as follows:

1. Review proposed development within the floodplain district to assure that all necessary permits for the intended construction required under this zoning ordinance have been granted and that any other permits required under MGL CH. 131, §40, as amended, or any other statute or regulation for the alteration of land subject to the flow of water or flooding.

2. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

3. Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source as criteria for requiring that all new construction or substantial improvements meet the requirements set forth in this ordinance.

4. Obtain the elevation, in relation to mean sea level, of the lowest floor, including basement, if any, of all new or substantially improved structures, and if the structure has been flood–proofed, obtain the elevation to which it was flood–proofed.

5. Maintain records of flood–proofing certifications prepared by Registered Professional Engineers and architects of the lowest floor elevations and flood–proofing elevations determined in accordance with this ordinance.
B. The Conservation Commission shall administer this ordinance as follows:

1. Notify, in riverine situations, adjacent communities and the State Coordination Office, Massachusetts Department of Conservation and Recreation, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.

2. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

§17–12.5 PERMITTED

A. The following outdoor uses shall be permitted by right in the floodplain district, provided they are permitted in the underlying district and further provided no buildings or structures are erected; wildlife sanctuaries, nature trails, agriculture, horticulture and floriculture.

B. The expansion of the following existing uses (or their accessory uses) is permitted by right to a maximum of fifteen (15%) percent of the lot coverage existing when this section was enacted, provided that such expansions conform to all other provisions of this ordinance and do not constitute substantial improvement of the structure; single-family detached dwellings, two-family dwellings, and multi-family dwellings existing at the time this §17–12.0 FLOODPLAIN DISTRICT was advertised (August 21, 1978). Structures expanded under this provision shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage. This provision does not apply to mobile homes and mobile home parks.

§17–12.6 SPECIAL PERMITS

A. No structure or building shall be erected, constructed, substantially improved, enlarged (except as provided in §17–12.5 PERMITTED), or otherwise created or moved, no earth or other material dumped, filled, excavated, or transferred, unless a special permit is granted by the Board of Appeals. All the following conditions shall be required in the granting of such a special permit:

1. The proposed use shall comply in all respects to the provisions of the underlying district in which the land is located.

2. There shall be no encroachments, including filling or excavation, new construction or substantial improvements in the floodway, which would cause any increase in the 100–year flood level.

3. All development within the floodplain district, including structural and non–structural activities, must be in compliance, where applicable, with MGL Ch. 131, §40 and with the following:

   a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR “Flood Resistant Construction and Construction in Coastal Dunes”);

   b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
c. Inland Wetlands Restrictions, DEP (currently 310 CMR 13.00);

d. LOCAL WETLANDS PROTECTION ORDINANCE (currently Chapter 18 of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended) and LOCAL WETLANDS PROTECTION REGULATIONS, as amended

e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above–referenced regulations may only be granted in accordance with the required variance procedures of the state and local regulations.

4. All accessory structures shall be anchored to prevent movement.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

6. The Board of Appeals may require such additional requirements and conditions as it finds necessary to protect the health, safety, or welfare of the public or the occupants of the proposed use, or of the floodplain district.

B. These provisions shall not apply to the reconstruction or repair of a structure existing at the time of advertisement of §17–12.0 FLOODPLAIN DISTRICT (August 21, 1978) after a fire or other catastrophe as provided in §17–6.5 RESTORATION of this ordinance unless it constitutes substantial improvements as defined herein. However, all major repairs shall use construction methods and practices that will minimize flood damage.

C. Where a specific area or parcel of land located within the floodplain district is proven by competent engineering and surveying evidence to the satisfaction of the Board of Appeals to be above the 100–year flood elevation, and where the proposed use of such land will not increase the flood level, increase the danger of flood damage or reduce water storage capacity, and is consistent with the objectives of §17–12.3 OBJECTIVES, the Board of Appeals may by special permit authorize the proposed use of such land and exempt it from some or all of the restrictions of this section. However, if an applicant wishes to seek a release from the mandatory purchase of flood insurance, said applicant shall follow the procedures contained in the letter of Map Amendment, Part 1920, National Flood Insurance Program regulations.

§17–12.7 PERMIT PROCEDURES

A. Anyone desiring a special permit under §17–12.6 SPECIAL PERMITS shall submit an application to the Board of Appeals which shall comply with the conditions and submittal requirements as listed herein. Special permits shall be consistent with all requirements of other agencies, such as the Conservation Commission, the Massachusetts Department of Environmental Protection, and Department of Public Works – Highway Division, acting within their respective jurisdiction. The application procedure shall be the same as for other special permits (see §17–9.0 SPECIAL PERMITS). Copies of the application for a special permit with accompanying plans shall be sent by the Board of Appeals to the Inspector of Buildings, the Health Department, the Conservation Commission, the Department of Public Works – Highway Division, and the Planning Board for their recommendation.
B. Six (6) copies of a site plan prepared by a Registered Professional Engineer or a Registered Land Surveyor, shall be submitted with the application. The site plan shall be drawn to a scale adequate to show details clearly and must be acceptable to the Board of Appeals, but shall not be smaller than one–inch equals eighty feet (1"=80'). The site plan shall be oriented to show the true north point. The scale and date shall be shown in addition to the following:

1. Boundaries and dimensions of lot(s) in question and names of abutting owners as they appear on the most recent tax list.

2. Natural or man–made features such as swamps, marshes, water bodies, streams, open or man–made ditches, easements, wetlands and boundary of the floodplain district.

3. The 100–year flood level and the elevation of the lowest floor level, when required by the Board, contours shall be drawn to two (2') foot intervals with contour elevations to the United States Coast and Geodetic Survey datum.

4. The location of existing and proposed structures, and means of access. A separate key sketch (six copies also required) at a scale of one–inch equals two thousand (1"=2,000') feet shall be drawn to show the relation of the lot(s) in question to surrounding road networks. North points of the site plan and the key sketch shall be in the same directions.

C. Board of Appeals Procedures:

1. The Board of Appeals shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Health Department, the Conservation Commission, the Department of Public Works – Highway Division, and the Planning Board or until thirty–five (35) days have elapsed after receipt of said plan without submission of a report.

2. The Board of Appeals may, as a condition of approval, require that effective notice be given to prospective purchasers by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioners or his successor in title to alleviate the effects of the same.

§17–12.8 OCCUPANCY PERMIT

No occupancy permit (see §17–7.3 CERTIFICATE OF OCCUPANCY REQUIRED) shall be issued for special permit uses in the floodplain district until the Inspector of Buildings, the Health Department, the Conservation Commission, the Department of Public Works – Highway Division, and the Planning Board have received a certified plan showing the foundation and floodplain elevations, elevations of the completed construction, and until all requirements of any special permit granted under this §17–12.0 FLOODPLAIN DISTRICT or required under MGL Ch. 131, §40, as amended, or any other statute or regulation for the alteration of land subject to flow of water or flooding are satisfied.

§17–12.9 AREAS, OPEN SPACE, AND YARD REGULATIONS

The portion of any lot within the floodplain district may be used to meet the lot area, space and yard requirements for the district in which the remainder of the lot is situated.
§17–12.10 MOBILE HOMES AND MOBILE HOME PARKS

A. All mobile homes and mobile home parks except those existing prior to the adoption of this §17–12.0 FLOODPLAIN DISTRICT are prohibited from being located in the floodplain district. Owners and/or occupants of all mobile homes presently located in the floodplain district shall be notified by the Inspector of Buildings that the mobile home may be anchored to resist flotation, collapse, or lateral movement by providing anchorage as listed below:

1. Over–the–top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, with mobile homes less than fifty (50') feet long requiring one additional tie per side.

2. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty (50') feet long requiring four additional ties per side.

3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

B. Future additions to any mobile home or accessory building located within the floodplain district shall meet the requirements as listed above, as well as those in §17–10.3(D) MOBILE HOME PARKS – CONDITIONS OF PERMIT.

§17–12.11 AMENDMENT

Amendments to the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) referenced herein, adopted by the Federal Emergency Management Agency (FEMA) in accordance with the procedures outlined in the letter of Map Amendments, National Flood Insurance Program Regulations (NFIPR), to the extent that they change any floodplain or floodway boundaries shall subsequently be adopted by the City as amendments to the ZONING ORDINANCE.

§17–12.12 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man–made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Attleboro, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA), for any flood damages that result from reliance on this section or any administration decision lawfully made thereunder.
SECTION 17–13.0
WATER RESOURCES PROTECTION DISTRICT

§17–13.1 GENERAL

The purpose of this section is to protect public health, safety and welfare by regulating the uses of land and buildings and any characteristics of such uses that may pollute or otherwise damage water resources, including the sources of current and future water supply for the City of Attleboro and the surrounding area. The Water Resources Protection District is superimposed over any other district established by this ordinance. All uses, dimensional requirements and other provisions of this ordinance applicable to such underlying districts shall remain in force and effect, except that where the Water Resources Protection District imposes greater or additional restrictions and requirements, such restrictions and requirements shall prevail. The Water Resources Protection District shall include those areas of the city that are delineated on a map entitled “Water Resource Protection Districts, City of Attleboro, Massachusetts, December 1981” and on file in the office of the City Clerk. Said map is hereby adopted by reference and declared to be part of this ordinance.

§17–13.2 PERMITTED USES

A. No principal uses shall be permitted by right in the Water Resources Protection District, provided however that any building or installation to be utilized as part of the municipal water system shall be so permitted.

B. Accessory uses, except as specified in §17–13.3 PROHIBITED USES, shall be permitted in accordance with §17–13.5 TABLE OF ACCESSORY USE REGULATIONS in “SR” and “GR” use districts only. No other accessory uses shall be permitted except in accordance with §17–13.4 SPECIAL PERMITS.

C. Existing single and general residential uses served by the municipal sewer system may be expanded as permitted in the underlying districts. No other uses shall be expanded, altered or added to in any way except in accordance with §17–13.4 SPECIAL PERMITS.

§17–13.3 PROHIBITED USES

The following uses are prohibited as either principal or accessory uses in the water resource protection districts, provided, however, that where such uses lawfully existed prior to the passage of this section, they may be continued but not expanded, added to or enlarged:

A. Outdoor storage of salt, snow–melting chemicals, or hazardous substances including, but not limited to pesticides, herbicides, and water soluble and volatile chemical compounds. This prohibition shall include, without limitation, outdoor storage of materials containing or coated with such chemicals and susceptible to being carried into the surface or groundwater within the water resource protection districts.

B. Junkyards, salvage yards, dumps, landfills, manufacturing of pesticides, fertilizers, herbicides, and commercial facilities for the storage or treatment of hazardous wastes as defined by applicable state and/or federal laws.

C. Any manufacturing or processing industrial use not served by the municipal sewer system.
§17–13.4 Special Permits

A. Except as otherwise specified in §17–13.2 PERMITTED USES and §17–13.3 PROHIBITED USES, those principal and accessory uses permitted in the underlying district in accordance with §17–3.4 TABLE OF USE REGULATIONS and §17–3.5 TABLE OF ACCESSORY USE REGULATIONS may be allowed in the water resource protection districts by special permit from the Planning Board. Such permit shall consider any report and recommendations from the Health Department and Water Department and may be conditional upon safeguards and requirements to protect the water supply and the public health and welfare.

B. All applications for said special permits shall include, but need not be limited to the following:

1. Site plan showing the extent of impervious areas, drainage and layout and design of disposal facilities.

2. Proposed method for the disposal of sewage and other waste materials.

3. Design and leakage monitoring system for petroleum storage facilities larger than one hundred (100) gallons or any other chemical storage.

C. The Special Permit Granting Authority may impose standards and conditions to control causes of pollution to ground and surface waters, to ensure adequate disposal of sewage and other waste materials, and to allow monitoring of the storage facilities for possible pollutant.
§17–14 YARD SALES

No person shall operate, conduct, manage or permit a yard sale upon his or her premises or other property under his or her control more often than six (6) times per calendar year. Said yard sale shall not be continued for a period of time of more than two (2) days per month. No yard sale shall be conducted before 8:00 a.m. or after 8:00 p.m.
§17–15.0 SITE PLAN REVIEW

A. Intent: The provisions of site plan review provides a mechanism for the coordinated review of a petitioner’s compliance with the design elements contained herein for projects that may cause a variety of impacts to the environment, the local economy, and the character of surrounding neighborhoods. It is the intent of site plan review to establish a dialogue with a petitioner so as to enhance the design of a project and reduce adverse impacts on the City of Attleboro and its residents.

B. Purposes of Site Plan Review: To protect and promote the City’s economic, environmental, and cultural resources, this section addresses the following purposes –

1. Traffic, Parking, and Public Access: To promote sound on-site circulation patterns for pedestrians and motorists. To promote roadway traffic safety and traffic calming, and to protect the capability of State and local roads to conduct vehicular, bicycle, and pedestrian traffic smoothly, safely, and efficiently.

2. Public Services and Utilities: To minimize or prevent adverse impacts to existing public services and facilities, including sewers, storm drains, solid waste disposal systems, parks, schools, streets, and services.

3. Open Space and Environmental Protection: To preserve open space, public access, scenic views, and to protect natural features and other environmentally sensitive areas. To prevent erosion and adverse drainage impacts. To minimize the loss of wildlife habitat and other vegetation that has substantial aesthetic, educational, ecological, and/or economic value to the City of Attleboro.

4. Land Use Planning: To ensure that the design of the proposed project is reasonably compatible with surrounding uses and is compliant with all requirements of the City’s ZONING ORDINANCE.

5. Community Character: To ensure that proposed activities and uses are, by virtue of their design, successfully integrated into the context of surrounding uses and neighborhoods.

6. Health: To minimize or prevent adverse air-quality impacts, light and glare, odors, and noise.

C. Applicability: The following criteria shall be used to determine if a proposed project is to be reviewed as a Major or Minor Project under this section –

1. Minor Projects: Any project that is not included within the definition of a Major Project and involves one of the following is considered a Minor Project subject to site plan review by the Review Committee (see §17–15.0(D)(2) ADMINISTRATION) –

   a. development, redevelopment, or expansion of any primary structure or accessory structure that will involve the disturbance of a land area containing more than two thousand and five hundred (2,500) square feet and less than ten thousand (10,000) square feet;

   b. development that would result in the creation of more than eight (8) off-street parking stalls and less than thirty (30);
2. Major Projects: Any project that includes one or more of the following criteria is considered a Major Project subject to site plan review by the Planning Board (see §17–15.0(D)(3) ADMINISTRATION) –

   a. development, redevelopment, or expansion of any primary or accessory structure that will involve the disturbance of a land area containing ten thousand (10,000) square feet or more;

   b. development that would result in the creation of thirty (30) or more off–street parking stalls;

3. Exemptions: The following activities shall be exempt from the provisions of §17–15.0(C)(1) APPLICABILITY and §17–15.0(C)(2) APPLICABILITY –

   a. construction, renovation, or modification of a single–family dwelling and associated accessory structures customary to single–family lots;

   b. construction, renovation, or modification of a two–family dwelling on a single lot and associated accessory structures customary to such lots;

   c. normal maintenance of stormwater management systems as well as normal maintenance and improvement of land in agricultural use as defined by the WETLANDS PROTECTION ACT (MGL CH. 131, §40) regulation 310 CMR 10.04 and MGL CH. 40A §3;

   d. emergency projects necessary for the protection of the public health or safety, provided that the work is to be performed or has been ordered to be performed by any agency of the Commonwealth or by the Mayor;

   e. emergency repairs to existing utilities;

   f. applications for definitive subdivision plans under MGL CH. 41;

   g. any principal use specifically identified as allowed only through special permit by the Zoning Board of Appeals pursuant to §17–3.4 TABLE OF USE REGULATIONS;

   h. any other uses or activities specifically exempted from the provision of §17–15.0 SITE PLAN REVIEW in other sections of the ZONING ORDINANCE;

   i. Expansion of an existing building whereby the expansion is less than twenty–five (25%) percent of the building’s existing footprint further provided that the total land disturbance is less than ten thousand (10,000) square feet.

4. Segmentation: In an effort to prevent segmentation (see definition in §17–15.0 DEFINITIONS), the site plan review thresholds listed in §17–15.0(C)(1) APPLICABILITY and §17–15.0(C)(2) APPLICABILITY above shall apply to individual parcels or more than one contiguous parcel that may be in common ownership or otherwise developed in a coordinated manner through a common petitioner at the time of application. Further, the build–out of phased projects or expansions that are applied for within a two (2) year period shall be considered cumulatively when determining the status of the project as either “Minor” or “Major”.

City of Attleboro, Zoning Ordinance
D. Administration:

1. Pre–Application Meeting: Prior to the submittal of a Minor or Major Project Site Plan Review application, the petitioner may schedule an optional Pre–Application Meeting with the respective reviewing authority. The purpose of this Pre–Application Meeting shall be to afford the petitioner input from the reviewing authority and staff during the formative stages of the concept design and to highlight areas where the petitioner may need to give additional attention prior to filing an application pursuant to §17–15.0(F) PROCEDURES FOR MINOR PROJECT SITE PLAN REVIEW or §17–15.0(H) PROCEDURES FOR MAJOR PROJECT SITE PLAN REVIEW. A Pre–Application Meeting is intended to encourage discussion and to provide guidance to the petitioner. However, any opinions or advice offered by the reviewing authority shall not constitute or imply an approval or a denial of a project. Pre–Application Meetings shall be held in accordance with §17–15.0(E) PROCEDURES FOR A MINOR PROJECT SITE PLAN REVIEW PRE–APPLICATION MEETING, §17–15.0(G) PROCEDURES FOR A MAJOR PROJECT SITE PLAN REVIEW PRE–APPLICATION MEETING, and §17–15.0(I) MINOR AND MAJOR PRE–APPLICATION SUBMISSION MATERIALS.

2. Minor Project Site Plan Review: Review of Minor Projects shall be performed by the Review Committee as established herein and subject to the procedural and submittal requirements listed in this section. The Review Committee shall consist of five (5) members: the Building Commissioner or his/her designee, the Director of Planning and Development or his/her designee, the Fire Chief or his/her designee, the Police Chief or his/her designee, and the Chair of the Planning Board or his/her designee, a majority of which shall constitute a quorum. Minor Project Site Plan Review shall occur at a public meeting conducted in accordance with the Open Meeting Law.

3. Major Project Site Plan Review: Review of Major Projects shall be administered by the Planning Board. Major Project Site Plan Review shall require a public hearing and shall be subject to the procedural and submittal requirements listed in this section.

4. Fee Schedule:
   a. Pre–Application Meeting – The filing fee is $50.00.
   b. Minor Project Site Plan Review Application – The filing fee is five ($0.05) cents per square foot of gross floor area of the sum of all principal structures shown on the site plan plus fifteen ($15.00) dollars for each off–street parking stall;
   c. Major Project Site Plan Review Application – The filing fee is five ($0.05) cents per square foot of gross floor area of the sum of all principal structures shown on the site plan, plus fifteen ($15.00) dollars for each off–street parking stall, plus seventy–five ($75.00) dollars for legal advertisement.

E. Procedures for a Minor Project Site Plan Review Pre–Application Meeting:

1. The current owner of record or an authorized representative may request a Pre–Application Meeting by submitting the required materials with a cover letter that is time–stamped at the City Clerk’s Office. The materials shall include one (1) original and five (5) copies of the required conceptual materials.
2. Prior to scheduling a Pre–Application Meeting, and within ten (10) days of receiving the request, the Department of Planning and Development shall notify the petitioner as to whether the materials are adequate for a Pre–Application Meeting and, if applicable, specify the time and location for the meeting. Said meeting shall be scheduled to occur within twenty (20) days of receiving the original request for a Pre–Application Meeting. A petitioner may request to reschedule this meeting for another time through direct consultation with the Department of Planning and Development.

3. Review Committee comments shall be compiled by Department of Planning and Development staff and forwarded to the current owner of record or the authorized representative within five (5) business days of the Review Committee meeting. A copy of said comments shall be transmitted to the Building Inspector and the City Clerk.

F. Procedures for Minor Project Site Plan Review:

1. The current owner of record or an authorized representative shall submit a copy of the application for Minor Project Site Plan Review to the Department of Planning and Development after the original application is time–stamped at the City Clerk’s Office. The application shall include an administrative filing fee in accordance with the schedule established in §17–15(D)(4) SITE PLAN REVIEW – ADMINISTRATION, one (1) original and three (3) copies of the site plan application, six (6) copies of the site plan, and all supporting material.

2. Prior to scheduling a public meeting for the project, and within ten (10) days of the filing of the application, the Review Committee shall determine if the proposed project qualifies as a Minor Project and if the application is complete. Initial determination that an application is complete shall not preclude the Review Committee from requesting or considering new information during the course of the review process.

   a. Within ten (10) days of determining an application for a Minor Project is complete, the Review Committee shall review and take final action on the application at a public meeting posted in accordance with the Open Meeting Law. An extension of time may be requested in writing by the petitioner, but must be approved by the Review Committee.

   b. If the proposed project does not qualify as a Minor Project, the Review Committee shall notify the petitioner in writing.

   c. If it is determined that the application is incomplete, the Review Committee shall notify the petitioner in writing of what areas of the application are incomplete.

3. Final action of the Review Committee shall be determined through a majority vote of the members present. The Review Committee shall file its decision in writing with the City Clerk within five (5) business days of taking final action on the application. A copy of said decision shall be transmitted to the Building Inspector forthwith.
G. Procedures for a Major Project Site Plan Review Pre–Application Meeting:

1. The current owner of record or an authorized representative may submit a request for a Pre–Application Meeting by submitting the required materials with a cover letter that is time–stamped at the City Clerk’s Office. The materials shall include one (1) original and thirteen (13) copies of the application and conceptual materials.

2. Prior to scheduling a Pre–Application Meeting, and within ten (10) days of receiving the request, the Department of Planning and Development shall notify the petitioner as to whether the materials are adequate for a Pre–Application Meeting and, if applicable, specify the time and location of the Planning Board meeting. The Planning Board meeting shall be scheduled to occur within thirty (30) days of receiving the original request for a Pre–Application Meeting. A petitioner may request a different Planning Board meeting through direct consultation with the Department of Planning and Development.

3. Planning Board comments shall be compiled by Department of Planning and Development staff and forwarded to the current owner of record or the authorized representative within five (5) business days of the Planning Board public meeting. A copy of said comments shall be transmitted to the Building Inspector and the City Clerk.

H. Procedures for Major Project Site Plan Review:

1. The current owner of record or an authorized representative shall submit a copy of the application for Major Site Plan review to the Planning Board after the original application is time–stamped at the City Clerk’s Office. The application shall include an administrative filing fee in accordance with the schedule established in §17–15(D)(4) SITE PLAN REVIEW – ADMINISTRATION, one (1) original and three (3) copies of the site plan application, eighteen (18) copies of the site plan, the certified list of abutters, and all supporting material.

2. Prior to scheduling a public hearing, and within (14) days of the filing of the application, the Department of Planning and Development shall determine if the project qualifies as a Minor or Major Project and if the application is complete. Initial determination that an application is complete shall not preclude the Planning Board from requesting or considering new information during the course of the review process.

3. After determining that an application is complete, the Department of Planning and Development shall transmit a copy to the Planning Board, Board of Health, Building Commissioner, Fire Department, Department of Public Works – Highway Division, Police Department, the Water Department, the Wastewater Department, and Conservation Commission.

4. The Planning Board shall conduct a public hearing within twenty–one (21) days of the date the Department of Planning and Development determines that the application is complete. The notification requirements of the public hearing shall comply with the following:

a. Notice shall be given by publication in a newspaper of general circulation in the City at least seven (7) days prior to the opening of the public hearing and by posting such notice in a conspicuous place in the City Hall and on the City’s web–site for a period of not less than seven (7) days before the day of the meeting.
b. Notice shall be sent by mail by the Planning Board through the use of the abutter materials prepared and certified by the Tax Assessor and submitted as part of the application. Abutters shall be considered: direct abutters, owners of land directly opposite from the subject premises on any public or private street or way, and abutters to the abutters within three hundred (300') feet of the property line of the petitioner as they appear on the most recent applicable tax list.

5. The Planning Board shall close the public hearing within twenty-one (21) days of its opening unless the petitioner requests a continuation in writing, which is approved by a majority vote of the Planning Board.

6. The Planning Board shall render and file a written decision with the City Clerk within fourteen (14) days of the close of the public hearing.

I. Minor and Major Project Pre-Application Submission Materials: Pre-Application site plans shall be prepared in a proper and professional manner and at an appropriate scale, but no smaller than 1"=80’. The following information shall be included on the site plan –

a. Site Locus: A plan showing the following site elements –

1. location and dimensions of lot boundaries;

2. identification of applicable zoning districts and overlay districts and location of required minimum yard setbacks;

3. location and dimensions of adjacent streets;

4. location and dimensions of existing driveways or other means of access to and from the site;

5. location and dimensions of any deeds of easement, rights-of-way, covenants and any other agreements connected with the site;

b. Significant Site Features: The approximate location of wetlands, streams, water bodies, 100–year flood plain boundary with elevation, and unique natural land features, including all stonewalls, trees over eight (8") inches in diameter measured at breast height, rock outcrops, and the general location of the tree line.

c. Location and Scale of Development: The areas proposed for development, areas reserved for future development, approximate location and footprint of proposed building(s) and parking areas, approximate height of proposed building(s), and tentative traffic circulation patterns.

d. Utilities: The approximate locations of utility infrastructure associated with wastewater disposal, water supply, and drainage.

In addition, the petitioner should be prepared to discuss informally topics such as traffic impacts, zoning and land use regulations, stormwater management, landscaping, lighting, and/or parking requirements.
J. Minor and Major Project Site Plan Review Submission Materials: A Professional Land Surveyor or Professional Civil Engineer shall sign and date and place their seal upon all pertinent documents and plans as appropriate. All drawings shall be prepared on standard 24"x36" plan sheets. Site plans shall be at a minimum scale of 1"=40' unless otherwise specified. Elevation drawings, where required, shall be drawn at a minimum scale of 1"=4'. A site plan prepared for other municipal permitting processes (i.e., Stormwater Management Permit) may be submitted to satisfy the site plan submission requirements of this section provided that it also contains the information required by this section.

1. Minor Project Submission Requirements: The following information shall be included on the site plan for all Major and Minor Projects, as applicable.
   a. Regional Locus: A locus plan locating the site on the most recent USGS quadrangle map that includes a half-mile radius around the site and zoning district boundaries.
   b. Site Locus: A plan showing the following site elements –
      1. location and dimensions of lot boundaries;
      2. identification of the underlying zoning district(s), location of the zoning line(s), and any overlay districts;
      3. location and dimensions of adjacent rights-of-way or other means of access to the site;
      4. location and owners' names of all abutting properties including properties across the street from the subject premises;
      5. location and dimensions of any easement, right-of-ways, restrictive covenants and any other restrictions connected with the site;
   c. Significant Site Features: The location of wetlands, streams, water bodies, 100-year flood plain boundary with elevation, and unique natural land features, including all stonewalls, trees over eight (8”) inches in diameter measured at breast height, rock outcrops, and the general location of the tree line.
   d. Structures: Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, facade elevations, height of top of foundation, building height(s), and building yard setbacks.
   e. Signage: The location, dimensions, height, lighting, and other characteristics of all existing or proposed signs including alterations to existing signs.
   f. Landscaping: Proposed landscape features including conceptual grading, a planting plan, and the locations and a description of buffer areas, screening, and fencing.
   g. Parking: Parking lot and loading area layouts, parking stall dimensions, driveways, access and egress curb cut openings, bicycle racks, and bus stops or drop-off areas.
h. Water, Wastewater, Drainage Systems, and other Utilities: The locations and description of all existing and proposed septic systems, sanitary sewer, water supply, storm drainage systems, utilities, refuse, and other waste disposal methods.

i. If requested by the Planning Board, the application shall also include a Technical Review Fee to cover the review of specific design or engineering elements of the proposed development subject to MGL CH. 44 §53G.

2. Major Project Submission Requirements: In addition to the information required for a Minor Project, the following information shall also be included on the site plan for a Major Project as applicable –

a. Traffic: The plan shall show pedestrian, bicycle, and vehicular traffic flow patterns and proposed traffic signage and show access to and from the site and circulation within the site.

b. Lighting Plan: Existing and proposed exterior lighting, including locations, lighting source, estimated average foot–candles, shielding, and fixture types.

c. Public Access: The location and description of proposed public access areas, including parks, conservation areas, gardens, bikeways, pathways, or sidewalks.

d. Stormwater Management Plan: In addition to any information provided relative to stormwater management pursuant to §17–15.0(I)(1) MINOR PROJECT SUBMISSION REQUIREMENTS, the following information shall be provided to the Planning Board as part of a Major Project application:

1. existing topography at two (2') foot contours interval;

2. mapping of predominant soils from NRCS soil survey information;

3. boundaries of existing predominant vegetation and proposed limits of clearing;

4. location of floodplain limits;

5. location of existing and proposed roads, buildings, and other structures;

6. location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;

7. existing and proposed catchment areas and drainage flow paths;

8. preliminary location of channel modifications, such as bridge or culvert crossings;

9. preliminary selection and rationale for structural stormwater management practices; and

10. description of any proposed innovative site design measures intended to reduce impervious cover, minimize disturbance of natural areas and/or disconnect impervious surfaces from piped stormwater conveyance systems;
e. Architectural Elevations: Plans, photographs, and/or other drawings shall include the architectural elevations of all sides of all new buildings and of those sides of existing buildings that are proposed to be altered in any way. The drawings shall show the following –

1. exterior material, including trim and colors;
2. type, pitch and material of roofs;
3. size, type, and spacing of windows, doors and other openings;
4. size, location, and lighting of signs affixed to or hanging from the building;
5. the relationship of massing, scale and height to other existing structures in the immediate vicinity with photos and drawings; and
6. elevations or renderings of new construction, renovation or expansions;

K. Site Plan Review Criteria: In reviewing and evaluating the site plan, and in taking final action regarding site plan review, the Planning Board or Review Committee shall require that the site plan(s) promote the objectives set forth in §17–15.0(B) PURPOSES OF SITE PLAN REVIEW. These standards embrace the following criteria for the proposed development –

1. Traffic, Parking, and Public Access:
   a. Minimizes vehicular traffic impacts of the proposed development on adjacent highways or roads.
   b. Maximizes the convenience and safety of vehicular, bicycle, and pedestrian movement within the neighborhood and site and on adjacent highways and roads.

2. Public Services and Infrastructure:
   a. Is designed with suitable water supply, wastewater systems, solid waste disposal systems, and stormwater management practices.
   b. Is within the capacity of the municipal infrastructure, as determined by municipal officials.
   c. Includes measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, and prevent increased runoff, flow and flow rates, and limits the potential for flooding.

3. Open Space and Environmental Protection:
   a. Demonstrates that the adverse impacts to open space and sensitive areas such as wetlands, floodplains, surface water and groundwater have been minimized.
   b. Proposes a landscape design that complies with all applicable standards of the ZONING ORDINANCE.
4. Land Use Planning: Is consistent with the land use goals of the ZONING ORDINANCE and any land use or facilities plans adopted by Municipal Council.

5. Community Character:
   a. Minimizes obstruction of scenic views from publicly accessible locations.
   b. Minimizes impacts to important natural or historical features.
   c. Screens objectionable features, such as large blank walls, open dumpsters, loading or storage areas, from neighboring properties, and roadways.
   d. Is appropriate with regard to the size, shape, and architectural design of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.

6. Health:
   a. Minimizes adverse air–quality impacts, noise, glare, and odors.
   b. Provides for proper disposal of trash.

L. Final Action for Pre–Application Meeting: Final action of the Planning Board or Review Committee shall consist of a letter documenting the comments expressed by the review authority. Comments shall reflect concerns and impressions expressed at the meeting(s) and shall serve as a record of potential deficiencies or time–consuming issues. The Pre–Application Meeting shall not result in approval or disapproval, but is intended to provide guidance to the petitioner on how to proceed with the project.

M. Final Action for Minor and Major Project Site Plan Review: Final action of the Review Committee or Planning Board shall consist of one of the following –

1. Approval as Submitted: Approval based on a determination that the application complies with the criteria and design performance standards set forth in this section.

2. Approval with Conditions: Approval of the application subject to any reasonable conditions, modifications, and restrictions the Planning Board or Review Committee may deem necessary to ensure the health, safety, and general welfare of the community.

3. Disapproval: A disapproval of the application for the reasons of violations of provisions in the ZONING ORDINANCE, or determination that the site plan(s), although proper in form, is so intrusive on the interests of the public in one or more aspects regulated by the ZONING ORDINANCE, that no reasonable terms or conditions can be devised to adequately protect the interests of the public.

N. Appeals: Appeal of the Review Committee’s or Planning Board’s final action on a site plan review application shall be made to the Zoning Board of Appeals in accordance with §17–8.8 APPEALS. The Zoning Board of Appeals shall uphold, overturn, or remand the matter to the Planning Board or Review Committee for reconsideration, as applicable.
§17–16.0 SIGNS

§17–16.1 INTENT AND PURPOSE

It is the purpose of these provisions to enhance the appearance of the City by lessening the haphazard placement and clutter of signs, as well as to provide a business–friendly climate that is also compatible with the surroundings and the environment. It is recognized that signs perform important functions for way–finding, communicating messages, and providing information about goods and services. It is further recognized that signs can have potential detrimental impacts on the visual and perceptual environment, therefore signs must be regulated in order to:

1. Promote the safety, comfort, and well–being of the users of streets, roads, and highways;
2. Reduce distractions and obstructions from signs which would adversely affect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon public ways;
3. Discourage excessive visual competition in signage and ensure that signs aid orientation; and,
4. Enhance city character by encouraging new and replacement signage which is:
   a. creative and distinctive,
   b. compatible with the surroundings,
   c. appropriate to the type of activity to which it pertains, and
   d. appropriately sized in its context so as to be easily legible;

§17–16.2 APPLICABILITY

The provisions of this section apply only to those signs which refer to a permitted use as set forth in this ordinance, provided such signs conform to the provisions of this section. All signs shall comply with the regulations set forth herein. Signs shall be erected, displayed, and maintained, as provided for in this section §17–16.0 SIGNS.

§17–16.3 ADMINISTRATION

A. The contents of §17–16.0 SIGNS establishes sign standards that satisfy the general intent and purposes established in §17–16.1 INTENT AND PURPOSE. Though they are intended to establish parameters, they may be flexibly administered given the diverse and disparate nature of signs. Due to particularities of any sign or cluster of signs, and as there are a variety of types of land uses and the relationships between them, the application of the standards herein may result in, for example, a sign/cluster of signs with either ineffective, insufficient, or excessive regulation. Therefore, the Board of Appeals may permit variations by special permit. Without limiting the generality of §17–16.3 ADMINISTRATION, the Board of Appeals may allow variations from the sign regulations herein by special permit if it finds that such departure is more likely to satisfy the intent set forth herein.

B. Whenever the Board of Appeals allows, or requires, a variation from a standard set forth herein, it shall specifically reference, in the special permit, the requirements that it imposes and also state the reason(s) for allowing, or requiring, such variation.
§17–16.4 DEFINITIONS

Sign: Any display of lettering, logos, colors, lights, or images visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or is intended to advertise, direct, invite, announce, or draw attention to, directly or indirectly, goods, products, services or facilities available, or a use conducted either on the lot or on any other premise, excluding window displays and merchandise.

Animated Sign: Any sign that uses movement, the visual impression of movement, sound or change of lighting to depict action or create a special effect and/or scene. Such signs include, but are not limited to, those that give the impression of flashing, blinking, oscillating, expanding, or contracting.

Awning/Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective covering of a door, an entrance, a window, or an outdoor service area.

Bulletin Board: A board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs shall be for public, charitable, or religious purposes, and shall be located upon the premises of said institutions.

Construction Sign: Any sign whose purpose is to display the name of the contractor and/or subcontractors employed on a work site, and/or the consultants and/or financial institutions participating in the project. Such signs shall be temporary in nature and shall be removed upon completion of the project.

Electronic Message Center: Any sign that utilizes computer–generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous to the human eye without having any transition effects. Transition effects include wipes, fades, or other special effects.

Directional Sign: An on–premises sign that directs vehicles and/or pedestrians onto, around, and/or off a property, and which may contain the name or logo of an establishment, but not advertising copy.

Free–Standing Pylon Sign: Any sign supported by a structural device, such as a post, a pole, a pylon or other framing or supporting devices that is placed on, or anchored into, the ground and that is independent of any building.

Government Sign: Government signs include all signs erected by or on behalf of the United States of America, the Commonwealth of Massachusetts, and/or the City of Attleboro; traffic controls; legal notices; or other signs required by law, including all signs erected under the authority of the City of Attleboro on City–owned or controlled land.

Historical Landmark Sign: An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the City as identified by the Attleboro Historical Commission or a new landmark sign that is made a permanent and integral part of a building, to identify a property of historic significance by name, date of erection, and so forth.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “private driveway,” “loading zone,” “no trespassing,” and other similar directives. No sign having a commercial message or a logo shall be considered incidental.

Illuminated Sign, Internal: A sign lighted directly or indirectly by a light fixture located within the sign structure and designed to project light against the surface on which the sign lettering or graphics are located.

Illuminated Sign, External: A sign illuminated by a separate light fixture that casts light directly on the face of the sign.
Logo: A distinctive emblem, symbol or insignia identifying a particular product, service, business, activity, or entity.

Marquee Sign: Any sign attached to, in any manner, or made part of a permanent roof–like structure projecting beyond a building which is used as a theater. Such signs shall not extend beyond or be attached to the underside of the overhang.

Monument Sign: Any free–standing sign having a support structure that is a solid–appearing base constructed of permanent materials such as concrete block, stone, or brick and is in contact with or within one (1') foot of the ground.

Off–Premises Sign: Any sign, including but not limited to billboards, advertising or calling attention to an activity, product, or service not available within a building or upon the parcel of land where the sign is located. Except that, for the purpose of this ordinance, subdivision identification, political, government, and temporary signs shall not be deemed off–premise signs.

Open Space Identification Sign: Any sign used to identify entrances to parks and open space. Such signs may include information relating to features and facilities, interpretive signs informing visitors about what they may see or experience, maps, and so forth.

Political Sign: A sign which advertises a candidate or candidates for public elective office, a political party, or promotes a position on a ballot question or public issue.

Pre–existing Non–conforming Sign: A sign which was in existence prior to the initial enactment of the ZONING ORDINANCE or any amendment thereto.

Projecting (Perpendicular) Sign: Any sign affixed at a right angle to a building or wall. Such sign shall have no more than two faces.

Real Estate Sign: Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof Sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Sidewalk Sign: Any double–sided portable sign designed as an “A” or “T” frame. Sidewalk signs are subject to §11–3 POSTING SIGNS of the REVISED ORDINANCES OF THE CITY OF ATTLEBORO, as amended.

Subdivision Identification Sign: A sign at the entrance of a single integrated development consisting of two or more lots, which advertises or identifies, for example, the name of a residential, commercial, or industrial subdivision, the address and/or occupant of the premises, and/or directional and parking instructions with respect to the development.

Temporary Sign: Any sign, including a portable sign, which is used for a limited time and is not permanently installed or erected.

Vehicle Sign: Any sign on or affixed to an inoperative bus, car, boat, trailer, truck or other motorized vehicle, that is not used in the activities of the business, that is parked on public or private property with the primary purpose of providing advertisement of products, or that is directing people to a business or activity located on the same or nearby premises.

Wall Sign: Any sign attached parallel to and within ten (10") inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building.

Window Signs: Any sign which is painted on a window pane, mounted onto a window pane, or hung directly inside the window.
§17–16.5 BUILDING PERMITS

A building permit shall be obtained from the Inspection Department prior to erecting, (re)placing, (re)building, or (re)locating any sign regulated by 780 CMR, Massachusetts State Building Code. Any sign requiring a building permit shall require a final inspection upon completion of work.

§17–16.6 OTHER PROHIBITIONS

A. In addition to those signs prohibited in §17–16.8 TABLE OF PERMITTED SIGNS AND DIMENSIONAL REGULATIONS, the following signs shall not be permitted, constructed, erected, or maintained:

1. Any sign advertising or identifying a business, activity, product or service no longer produced or conducted on the premises upon which the sign is located.

2. Signs within a public right–of–way, except for those allowed by the government and perpendicular signs, as permitted by the Building Commissioner.

3. Signs which resemble, imitate, or may be confused with official traffic control signs or signals.

4. Signs that constitute a hazard to pedestrian or vehicular traffic, such as by obstructing sight lines from streets or driveways, or that constitute a hazard to the general public, such as by blocking doors, windows, fire escapes, or other exit way elements, or as a result of poor maintenance, damage, or abandonment.

§17–16.7 EXEMPTIONS

A. For the purpose of this section, the following signs are allowed by–right in any zoning district subject to their definitions in §17–16.3 DEFINITIONS and the dimensional regulations outlined in §17–16.8 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS. Such signs may require a building permit:

1. political signs;

2. incidental signs or signs that give notice such as “No Trespassing”, “No Hunting”, “Private Driveway”, “No Dumping”, so forth, and contain no logos or advertisements;

3. temporary signs such as seasonal or for holidays;

4. banners or flags emblematic of or issued by national, state, or local governments;

5. clocks and thermometers displaying no information other than time and temperature;

6. landmark signs or commemorative tablets when made a permanent and integral part of a building;

§17–16.8 GENERAL SIGN STANDARDS

A. Illumination Standards:

1. The light source for all externally illuminated signs shall be effectively shielded to prevent beams or rays from being directed at any roadway or abutting residential property.
2. No lights or lighting effects shall be used on any sign if the Building Commissioner deems such light or lighting effect to pose a conflict with those used in public safety or traffic control and thereby create a hazard to the operation of motor vehicles.

3. No sign may be placed, constructed or erected if the Building Commissioner deems the illumination to constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

4. All illuminated signs shall be turned off one (1) hour after business closing and shall not turn on again until one (1) hour prior to business re-opening.

B. Illumination Standards for Signs with Electronic Message Centers:

1. In addition to the standards identified in the above section, the following criteria shall apply:

2. Each electronic message center shall be equipped with a light sensing device that automatically adjusts the brightness of the sign as ambient light conditions change.

3. All electronic message center signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.

4. No electronic message center sign shall exceed a brightness level of three–tenths (0.3) foot candles above ambient light as measured using a foot candle (Lux) meter at a pre–set distance in accordance with the following procedure:
   a. At least thirty (30) minutes past sunset, record the ambient light while the sign is off or displaying all black copy;
   b. The light meter shall be held five (5') feet above the finished grade as close as practical to a perpendicular plane of the sign;
   c. The meter shall be aimed toward the center of the automatic changeable copy sign;
   d. From the same location, a second reading shall be recorded while the sign is on and not blocked;
   e. If the difference between the measurements is three–tenths (0.3) foot candles or less, the brightness is properly adjusted; otherwise, the billboard must be adjusted to comply with this standard;
   f. The measurement distance shall be determined using the following formula:

   \[ \text{Measurement Distance} = \sqrt{\frac{\text{Area of Sign in Sq. Ft.}}{100}} \]

   \[ \text{Sample Calculation} \]
   proposed 50 square foot sign
   \[
   50 \times 100 = 5,000
   \]
   \[
   \sqrt{5,000} = 70.71 \text{ (or 71 feet)}
   \]
   Therefore, the foot candles measurement shall be taken seventy–one (71') feet from the sign.
C. Number of Signs:

1. In the case of a lot with multiple tenants (i.e., shopping centers), there shall be not more than one (1) freestanding pylon or monument sign per lot.

2. Where a lot contains the required minimum frontage along more than one street, a second freestanding pylon or monument sign is permitted.

3. There shall be not more than one (1) canopy sign or projecting sign affixed to the exterior of a building for each occupancy therein.

D. Placement Standards:

1. Signs shall not obstruct any door, window, or fire escape.

2. Except as otherwise provided herein, the placement of signs is not subject to yard setback regulations provided however that no sign shall constitute a hazard to pedestrian or vehicular traffic such as by obstructing sight lines or by blocking free ingress to or egress from a required door, window, fire escape or other required exit way element.

E. Sign Area Computations:

1. Sign area for single–faced signs shall be computed by multiplying the height by the width of the whole face of the sign. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is not included in the display.

2. When a sign has two (2) or more faces, each side may contain the maximum area (as computed above), provided the sides are no further than two (2') feet from each other.

F. Height and Setback Computations:

1. The height of any sign shall be measured from its base at grade to the highest point of the sign. Grade shall be defined as the naturally existing topography of the ground. Any filling or mounding (such as a berm) above the naturally occurring grade to artificially increase the height of a sign shall be counted towards the height of the sign.

2. The setback of any sign shall be measured from the edge of the sign that is closest to the property line.

G. No sign shall emit any sound.
### §17–16.9 Table of Permitted Signs & Dimensional Regulations

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<tr>
<th>Type of Sign</th>
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<th>GR</th>
<th>CB</th>
<th>TOD</th>
<th>GB</th>
<th>PHB</th>
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<td><strong>Animated Sign</strong></td>
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<tr>
<td><strong>Electronic Message Center</strong></td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
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<tr>
<td>• these limitations apply to all sign types in this table</td>
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<tr>
<td>• messages/images may refresh no sooner than every twenty (20) seconds</td>
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<tr>
<td><strong>Government Sign</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Awning/Canopy Sign</strong></td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>• minimum of eight (8’) feet clearance between bottom edge of canopy and grade</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Bulletin Board</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum area of twenty (20) square feet</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Construction Sign</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>• such signs shall not be erected until building permits for the relevant project is issued</td>
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<tr>
<td>• maximum area of twelve (12) square feet</td>
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<td></td>
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<tr>
<td><strong>Directional Sign</strong></td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>• maximum area of four (4) square feet</td>
<td></td>
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<td></td>
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<tr>
<td>• maximum height of three (3’) feet from top of sign to grade</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Free-Standing Pylon Sign</strong></td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>• minimum of eight (8’) feet clearance between grade and base of lowest part of sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• minimum ten (10’) feet setback from front property line and five (5’) feet from side property line</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>• one-half (½) square foot of area per one (1’) foot of lot frontage</td>
<td></td>
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<tr>
<td>• maximum area of one hundred (100) square feet</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>• maximum height of twenty (20’) feet</td>
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<td></td>
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</tbody>
</table>

City of Attleboro, Zoning Ordinance
<table>
<thead>
<tr>
<th>TYPE OF SIGN</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HISTORICAL LANDMARK SIGN</strong></td>
<td><strong>SR</strong></td>
</tr>
<tr>
<td>• maximum area of ten (10) square feet for new signs</td>
<td>Y</td>
</tr>
<tr>
<td><strong>INCIDENTAL SIGN</strong></td>
<td>N</td>
</tr>
<tr>
<td>• maximum area of two (2) square feet</td>
<td>Y</td>
</tr>
<tr>
<td><strong>MARQUEE SIGN</strong></td>
<td>Y</td>
</tr>
<tr>
<td>• subdivision identification &amp; government sign only</td>
<td>N</td>
</tr>
<tr>
<td>• permitted/ non–conforming non–residential uses; maximum area of twenty (20) square feet</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum height of eight (8') feet from grade</td>
<td>Y</td>
</tr>
<tr>
<td>• minimum ten (10') feet setback from front property line and five (5') feet from side property line</td>
<td>Y</td>
</tr>
<tr>
<td><strong>MONUMENT SIGN</strong></td>
<td>Y</td>
</tr>
<tr>
<td>• maximum area of fifty (50) square feet</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum height of eight (8') feet from grade</td>
<td>Y</td>
</tr>
<tr>
<td>• minimum ten (10') feet setback from front property line and five (5') feet from side property line</td>
<td>Y</td>
</tr>
<tr>
<td><strong>OFF–PREMISES SIGN</strong></td>
<td>N</td>
</tr>
<tr>
<td><strong>OPEN SPACE IDENTIFICATION SIGN</strong></td>
<td>Y</td>
</tr>
<tr>
<td>• maximum area of twenty (20) square feet</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum height of ten (10') feet from grade</td>
<td>Y</td>
</tr>
<tr>
<td><strong>PROJECTING/PERPENDICULAR SIGN</strong></td>
<td>N</td>
</tr>
<tr>
<td>• maximum area of ten (10) square feet</td>
<td>Y</td>
</tr>
<tr>
<td>• minimum eight (8') feet of clearance from the ground</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum projection of forty–eight (48&quot;) inches</td>
<td>Y</td>
</tr>
<tr>
<td>• one (1) projecting sign per business</td>
<td>Y</td>
</tr>
<tr>
<td>TYPE OF SIGN</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td><strong>REAL ESTATE SIGN</strong></td>
<td>SR</td>
</tr>
<tr>
<td>• maximum area of six (6”) square feet for residential</td>
<td>Y</td>
</tr>
<tr>
<td>• maximum area thirty–two (32) square feet for residential subdivision as well as for commercial and industrial development</td>
<td></td>
</tr>
<tr>
<td>• maximum of two (2) such signs may be maintained on any property being sold, leased, or rented; such sign shall be removed by the owner or agent within thirty (30) days of sale, rent or lease.</td>
<td></td>
</tr>
<tr>
<td>• subdivision real estate signs and individual real estate signs; such signs shall not be in place for more than two (2) years</td>
<td></td>
</tr>
<tr>
<td><strong>ROOF SIGN</strong></td>
<td>N</td>
</tr>
<tr>
<td><strong>SIDEWALK SIGN</strong></td>
<td>N</td>
</tr>
<tr>
<td>• such signs shall be located so as to provide a minimum of three (3”) feet of unobstructed passage on any sidewalk</td>
<td></td>
</tr>
<tr>
<td>• no driveways, doorways, walkways, or handicap ramps shall be blocked by the sign</td>
<td></td>
</tr>
<tr>
<td>• such signs shall be removed from the sidewalk at the close of business each day</td>
<td></td>
</tr>
<tr>
<td><strong>SUBDIVISION IDENTIFICATION SIGN</strong></td>
<td>Y</td>
</tr>
<tr>
<td>• one (1) monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) freestanding sign or monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) freestanding sign or monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) freestanding sign or monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td>• one (1) freestanding sign or monument sign at any exclusive entrance to a development</td>
<td></td>
</tr>
<tr>
<td><strong>TEMPORARY SIGN</strong></td>
<td>Y</td>
</tr>
<tr>
<td>• such signs shall not remain in place for more than thirty (30) consecutive days unless otherwise specified</td>
<td></td>
</tr>
<tr>
<td>• maximum of two (2) temporary signs</td>
<td></td>
</tr>
<tr>
<td>• maximum of two (2) temporary signs per event may be permitted to be located off–site; such signs are installed not more than thirty (30) days prior to the scheduled event and must be removed within two (2) days following the event</td>
<td></td>
</tr>
<tr>
<td>TYPE OF SIGN</td>
<td>ZONING DISTRICT</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td>SR</td>
</tr>
<tr>
<td>VEHICLE SIGN</td>
<td>N</td>
</tr>
<tr>
<td>WALL SIGN</td>
<td>N</td>
</tr>
<tr>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>

- Demarcates sign characteristics that apply to all other sign types in this table. Dimensional requirements shall still apply.

- Government signs shall adhere to all applicable limitations on form, dimension, and setback in this table. In the case of emergency, such limitations may be modified.
§17–16.10 NON–CONFORMING SIGNS

A. Continuance: Any sign that advertises businesses or activities that have not been carried on at the premises for two (2) consecutive years shall be deemed to be abandoned. An abandoned sign shall be considered non–conforming and therefore prohibited and shall be removed by the owner of the premises, provided that any sign that is not abandoned and lawfully exists at the time of adoption of this section or any subsequent amendment thereto may continue to exist.

B. Maintenance: Any pre–existing non–conforming sign shall not be enlarged or altered except in conformity with this ordinance. Further, any such sign which has deteriorated to such an extent that the cost of restoration exceeds fifty (50%) percent of the replacement cost, as determined by the Building Commissioner, shall be repaired or rebuilt only in accordance with the requirements of this ordinance.

C. Replacement: Any sign replacing a pre–existing non–conforming sign shall conform with the provisions of this ordinance and the pre–existing non–conforming sign shall be removed.

D. Alteration. The sign faces of any pre–existing non–conforming signs may be altered either to update the sign content or to reflect new information without a special permit, provided that such alteration shall not result in any change in the sign’s size, extent, location, or illumination.
18-1.1 Purpose (Adopted 10/2/01)

The purpose of this ordinance is to protect the wetlands, water resources, and adjoining land areas in Attleboro by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource areas or values protected by this ordinance"). This ordinance is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures beyond those of the Wetlands Protection Act (G.L. Ch. 131 §40) and the Wetlands Protection Act Regulations promulgated thereunder (310 CMR 10.00).

18-1.2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this ordinance, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands abutting any of the aforesaid resource areas (collectively the "resource areas protected by this ordinance"). Said resource areas shall be protected whether or not they border surface waters.

18-1.3 Definitions

Except as otherwise provided in this ordinance or in regulations of the Conservation Commission, the definitions of terms in this ordinance shall be as set forth in the Wetlands Protection Act and the Regulations.

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

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

a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
b. Changing, of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristic
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 material, which would alter elevation
f. Driving, of piles, erection, or repair of buildings, or structures of any kind
g. Placing of obstructions or objects in water with the exception of temporary recreational items such as boats
h. Destruction of plant life including cutting of trees
i. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
j. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
k. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this ordinance.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to city ordinances,
administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during, the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression. To be classified as a vernal pool, the pool must be certified by the Massachusetts Division of Fisheries and Wildlife (MDFW), or recognized by the Conservation Commission in accordance with MDFW certification criteria during the public hearing process.

18-1.4 Conditional Exceptions

This ordinance is applicable to applicants who seek to develop property or otherwise conduct an activity requiring the approval of the Conservation Commission after adoption of this ordinance. The application and permit required by this ordinance shall not apply to maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure, or a facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph, or other telecommunication services, provided that the required permit process has been followed, the work conforms to performance standards and design specifications in regulations adopted by the Commission. Notwithstanding the provisions of this paragraph 18-1.4, a project accessory to an existing and lawfully located structure may be permitted, provided that the required permit process has been followed, the work conforms to performance standards and design specifications in regulations adopted by the Conservation Commission.

The application and permit required by this ordinance shall not be required for emergency projects necessary for the protection of the health and safety of the public; provided that the work is to be performed or has been ordered to be performed by any agency of the Commonwealth or by the Mayor; that advance notice, oral or written, has been given to the Conservation Commission prior to commencement of the work or within twenty-four (24) hours after commencement; that the work is performed only for the time and place certified by such agency or the Mayor for the limited purposes necessary to abate the emergency; and that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this ordinance. Upon failure to meet these requirements, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures with a majority vote of the Municipal Council.

18-1.5 Applications for Permits and Requests for Determination

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this ordinance. The permit application shall include such information and plans as are deemed necessary by the Conservation Commission to describe proposed activities and their effects on the resource areas protected by this ordinance. No activities shall commence without receiving and complying with a permit issued pursuant to this ordinance.

The Commission in an appropriate case may accept, as the permit application and plans required under this ordinance, the Notice of Intent and plans filed under the Wetlands Protection Act and the Regulations, notwithstanding the fact that the permit application requirements of this ordinance are in excess of the requirements of the Wetlands Protection Act and the Regulations.

Any person desiring to know whether or not a proposed activity or an area is subject to this ordinance may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

At the time of a permit application or RFD, the applicant shall pay a filing fee specified below. The fee is in addition to that required by the Wetlands Protection Act and the Regulations. The fee shall be deposited in a dedicated account, for use only for wetlands protection activities, from which the Commission may withdraw funds without further appropriation.

<table>
<thead>
<tr>
<th>Fee Schedule</th>
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<tbody>
<tr>
<td>Permit Application</td>
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<tr>
<td>Request for Determination of Applicability</td>
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</tbody>
</table>

(updated 8/20/2020)
Upon receipt of a permit application or RFD, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law. Any unused funds shall be returned to the applicant forthwith after the service has been satisfactorily performed by a vote of the Commission.

The Commission may require the payment of the consultant fee at any point during the public hearing process prior to a final decision. The applicant's fee shall be put into a revolving fund for consultant expenses and fees, and the Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Commission decides at a public meeting that additional services will be required.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or amount of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws. The Municipal Council may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD.

### 18-1.6 Notice and Hearings

Any person, upon the filing of a permit application with the Conservation Commission shall give written notice thereof, by certified mail (return receipt requested) to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application with plans, or shall state where copies may be examined and obtained by abutters.

The Commission shall conduct a public hearing on any permit application with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within twenty-one (21) days of the close of the public hearing unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under this ordinance with the hearing conducted under the Wetlands Protection Act and the Regulations.

The Commission shall have authority to continue the hearing to a certain date for reasons stated at the hearing, which may include the receipt of additional information from the applicant or others deemed necessary by the Commission or the comments and recommendations of the boards and officials listed in Section 18-1.7.

### 18-1.7 Coordination with Other Boards

Upon receipt of a permit application, the Conservation Commission shall provide a copy of the public notice thereof to the Mayor, planning board, zoning board of appeals board of health, department of public works, and the inspector of buildings. A copy of such notice shall also be given to the Conservation Commission of an adjoining municipality if the application pertains to property within 300 feet of that municipality. The Commission shall ask such officials and boards to submit their comments and recommendations with respect to the application to the Commission within fourteen (14) days from their receipt of such notice. The Commission shall not take final action on the application until such fourteen (14) days have expired. The applicant shall have the right to receive any such comments and recommendations and respond to them at a hearing before the Commission before final action is taken. The Commission shall take into account such comments and recommendations but shall not be bound by them.
18-1.8  Permits and Conditions Amend the adoption vote of 6/26/07—12/4/07

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this ordinance, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. 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 shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this ordinance; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this ordinance; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within twenty–five (25') feet of resource areas protected by this ordinance are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore shall require that the applicant maintain on any permit application, and delineate on any plans as are deemed necessary by the Conservation Commission, a 25–foot wide continuous and undisturbed Wetlands Protection Zone measured from and parallel to the resource area boundary. The Commission may (but shall not be required to):

- Allow the applicant to make use of the Wetlands Protection Zone in a passive manner if, in the opinion of the Commission, there is no significant adverse impact on the interests protected by this Ordinance.

- Allow the applicant to alter the Wetlands Protection Zone to access uplands areas if the Conservation Commission determines, by a majority vote of the appointed Commission, that the proposed work, including proposed replication of wetland resources or other resource areas, will have no significant adverse impact on interests protected by this Ordinance. The Wetlands Protection Zone shall then extend out from the newly created wetland or resource area line if greater than the pre–existing line.

- Allow the applicant to alter the Wetlands Protection Zone adjacent to “lands subject to flooding or inundation” (as defined in §18–1.3, DEFINITIONS) when no other reasonable alternative is available for any new construction or to repair, replace, modify, or maintain pre–existing structures if the Conservation Commission determines, by a majority vote of the appointed Commission, that the proposed work, including proposed mitigation, will have no significant adverse impact on interests protected by this Ordinance. If compensatory storage is required, the Wetlands Protection Zone shall then extend out from the newly created “lands subject to flooding or inundation” line if greater than the pre–existing line.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause, the Commission may revoke or modify a permit or determination issued under this ordinance after the giving of written notice of such intent to the holder thereof and the holding of a public hearing thereon. Such notice shall also be given to the abutters and to city boards and officials in the manner set forth in Section 18-1.6.

The Commission in an appropriate case may combine the permit or determination issued under this ordinance with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act and the Regulations.
No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

1. Insert the following definition in §18–1.3, DEFINITIONS in alphabetical order:

The term “Lands Subject to Flooding or Inundation (by groundwater or surface water)” Shall include Isolated or Bordering Land Subject to Flooding as defined in 310 CMR 10.57 as well as any isolated shallow or special flood hazard area, or closed basins, which at least once per year confine standing water characterized by ponding or sheet flow to an average depth of six (6") inches or more and a surface area of 2,000 square feet or more. (These amendments shall take effect upon passage and will apply to all pending proposals currently before the City of Attleboro.)

18-1.9 Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this ordinance. They shall become effective upon their filing with the City Clerk. The failure by the Commission to promulgate and, from time to time, to amend such rules and regulations, or the legal declaration by a court of their invalidity shall not act to suspend or invalidate any provision of this ordinance. The purpose of the rules and regulations is to further define and clarify the terms and procedures set forth in this ordinance. In the event of any conflict between this ordinance and such rules and regulations, the ordinance shall prevail. The Commission may waive any provision of its rules and regulations when it is not deemed appropriate.

18-1.10 Security

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

18-1.11 Enforcement

The Conservation Commission shall have authority to enforce this ordinance, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this ordinance may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Upon request of the Commission, the Mayor and city solicitor may take legal action for enforcement under civil law. Upon request of the Commission and the approval of the Mayor, the chief of police shall take legal action for enforcement under criminal law.

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

Any person who violates any provision of this ordinance, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than three hundred dollars ($300). Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the ordinance, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission, or its Agent may issue citations under the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D.

18-1.12 Burden of Proof

(updated 8/20/2020)
The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area protected by this ordinance. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

18-1.13 Appeals

A decision of the Conservation Commission may be appealed to the Superior Court in accordance with G.L. Ch. 249 §4.

18-1.14 Severability

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.
19-1.1 Purpose (adopted 4/15/08)

A. The purpose of this ordinance is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of construction site stormwater runoff, post-construction stormwater runoff, and illicit connections and discharges to the municipal storm drain system. This Ordinance seeks to meet these purposes through the following objectives:

1. Establish decision-making, processes regarding construction site activities that protect the integrity of the watershed and preserve the health of water resources;
2. Prevent pollutants from entering the City’s municipal storm drain system; prohibit illicit connections and unauthorized discharges to the municipal storm drain system; and require the removal of all such illicit connections;
3. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
5. Encourage the use of nonstructural stormwater management, stormwater “better site design” practices or LID practices, such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;
6. Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
7. Establish administrative procedures for the submission, review, and approval or disapproval of stormwater management plans, and for the inspection of approved active projects and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;
8. Comply with State and Federal statutes and regulations relating to stormwater discharges; and
9. Establish the City of Attleboro’s legal authority to ensure compliance with the provisions of this Ordinance through permitting, inspection, monitoring, and enforcement.

B. Nothing in this Ordinance is intended to replace the requirements of the City of Attleboro Wetlands Protection Ordinance or any other Ordinance that may be adopted by the City of Attleboro, or any state or federal requirement, law, regulation or policy. Any activity subject to the provisions of this Ordinance must comply with all other applicable city, state, or federal requirements.

19-1.2 Definitions

The following definitions shall apply in the interpretation and implementation of this Ordinance. Additional definitions may be adopted by separate regulation:

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. The term “alter” shall include “alteration of drainage characteristics” and conducting land disturbance activities.”

APPLICANT: A property owner or duly designated agent who has filed an application for a Stormwater Management Permit (SMP) with the Office of the City Clerk.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs
are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” and “Managerial” BMPs use natural measures and better site design techniques to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BETTER SITE DESIGN:** Site design approaches and techniques that can reduce a site’s negative effects impact on water quality and the natural environment through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, disconnecting impervious cover, and using natural features for stormwater management.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C, § 1251 et seq.) as hereafter amended.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the Waters of the United States or Commonwealth of Massachusetts from any source.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic, and the subsequent detachment and transportation of soil particles.

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLICIT CONNECTION:** Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the municipal storm drain system including but not limited to any conveyance which allows any nonstorm water discharge including sewage process wastewater, and wash water to enter the municipal storm drain system and any connections to the municipal storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

**ILLICIT DISCHARGE:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in the regulations.

**IMPERVIOUS COVER:** Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious cover is defined to include, without limitation, paved parking lots, sidewalks, rooftops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material or that removes vegetative cover from the land.

**LOW IMPACT DEVELOPMENT (LID):** LID incorporates non-structural and natural approaches to new and redevelopment projects to reduce adverse effects on water quality and the natural environment by conserving natural areas, reducing impervious cover, and better integrating stormwater treatment.

**MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Attleboro.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by the U.S. Environmental Protection Agency or issued jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to Waters of the United States.

**NEW DEVELOPMENT:** Any construction or land disturbance on a lot, or on a portion of a lot, that is currently in a vegetated state.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants, finally depositing them into water resource areas.
NON-STORMWATER DISCHARGE: Discharge to the City of Attleboro municipal storm drain system no composed entirely of stormwater.

OWNER: A person with a legal or equitable interest in property, including a contract purchaser with a valid purchase and sales agreement.

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

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into the City of Attleboro municipal storm drain system or Waters of the United States or Waters of the Commonwealth of Massachusetts.

POLLUTION: The presence in the environment of pollutants in quantities or characteristics which are or may be harmful to human, plant or animal life, or property, or which unreasonably interferes with the comfortable enjoyment of life and property.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff through the soil.

REDEVELOPMENT: Any construction, alteration, or improvement on existing land that contains impervious cover and provided that the activity does not involve an increase in the net amount of impervious cover.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water from its origin to another location; the product of erosion processes.

SEDIMENTATION: A process of depositing material that has been suspended and transported in water.

SITE: Any lot or parcel of land or area of property where land—disturbing activities are, were, or will be performed.

SOIL: Any aggregated particles of earth, sand, rock, gravel or similar material.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER AUTHORITY: The City of Attleboro Conservation Commission is responsible for coordinating the review, approval and permit process as defined in this Ordinance.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Conservation Commission after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the City from the deleterious effects of uncontrolled and untreated stormwater runoff.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, vernal pools, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and process wastewater.

19-1.3 Authority

This Ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statues, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

19-1.4 Stormwater Management Permit Required

(updated 8/20/2020)
A. All new development and redevelopment and any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, alter the drainage characteristics of a parcel of land, or create flows that enter the municipality owned storm drain system, and as more specifically defined as part of Regulations promulgated as a result of this Ordinance, shall be required to obtain a SMP unless exempt pursuant to §19-1.5 EXEMPTIONS of this Ordinance.

B. Each SMP application shall be reviewed by the Conservation Commission for compliance with the purpose and requirements of this Ordinance and the criteria set forth in the rules and regulations.

19-1.5 Exemptions

No person shall alter land within the City of Attleboro without having obtained a SMP for the property, with the following exemptions:

1. Construction, renovation, or modification of a single-family dwelling and associated accessory structures customary to single-family lots;
2. Construction, renovation, or modification of a two-family dwelling on a single lot and associated accessory structures customary to such lots;
3. Any new development that will disturb an area containing the lesser of 2,500 square feet or 25% of the property area. This exemption shall not be applied for contiguous properties held in common ownership at the time of adoption of this Ordinance and may not be applied to permit phased construction projects or expansions that are not shown on the original SMP application;
4. Any redevelopment that will disturb an area less than 2,500 square feet of a property;
5. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
6. Any projects for which all necessary applications have been filed with the Planning Board, the Zoning Board of Appeals, and the Conservation Commission within (90) days of the effective date of this Ordinance;
7. Emergency repairs to existing roads or their drainage systems, or to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission;
8. Emergency repairs to existing utilities; and
9. Applications for definitive subdivision plans under MGL Ch. 41, §810 of the SUBDIVISION CONTROL LAW, in which the Planning Board retains exclusive jurisdiction over stormwater management subject to §6.3 of the Planning Board’s RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND as amended.

19-1.6 Administration

A. The Conservation Commission shall administer, implement, and enforce this Ordinance. Any powers granted to, or duties imposed upon, the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or duly appointed agents.
B. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Ordinance by majority vote of the full Conservation Commission after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least ten (10) business days prior to the hearing date. After public notice and public hearing, the conservation Commission may promulgate rules and regulations to effectuate the purposes of this Ordinance. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Ordinance.
C. The purpose of the rules and regulations is to further define and clarify the terms and procedures set forth in the Ordinance. In the event of any conflict between the Ordinance and such rules and regulations, the Ordinance shall prevail. The Commission may waive any provision of its rules and regulations when it is not deemed appropriate.
D. The Conservation Commission may take any of the following actions as a result of an application for a SMP as more specifically defined as part of Stormwater Regulations promulgated as a result of this Ordinance: Approval, Approval with Conditions, or Denial.
E. A decision of the Conservation Commission may be appealed to the Superior Court in accordance with MGL Ch. 249 §4.

19-1.7 Enforcement

(updated 8/20/2020)
A. The Attleboro Conservation Commission or its Agent shall enforce this Ordinance, any rules and regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any stormwater regulations promulgated as permitted under Section 19-1.6 of this Ordinance.

B. The Conservation Commission may seek remedies under the Ordinance, including instituting a civil action to obtain an injunction, criminal enforcement of up to THREE HUNDRED ($300.00) dollars per violation per day, and/or non-criminal citations of up to THREE HUNDRED ($300.00) DOLLARS per violation per day.

19-1.8 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this Ordinance shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.
20. Purpose (adopted 6/20/17)

This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies and 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, §53E ½.

Expenditure Limitations

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 ordinance 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 the City Council 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 City Council and Mayor.

Interest

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

Procedures and Report.

Except as provided in General Laws Chapter 44 §53 E ½ and this ordinance, the laws, charter provisions, ordinances, rules regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor 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 City Auditor provides the department, board, committee agency or officer on appropriations made for its use.

Authorized Revolving Funds:

20 -1 Police Replacement of Vehicles Fund # 2601

20-1.1 Fund Name

There shall be a separate fund called the Police Replacement of Vehicles Fund for use of the Police Department.

20-1.2 Revenues

The City Auditor shall establish the Police Replacement of Vehicles Revolving Fund # 2601 as a separate fund and credit to the fund fifty percent (50%) of the income generated by traffic fines collected for the City of Attleboro by the Attleboro District Court and the Massachusetts Registry of Motor Vehicles, one hundred percent (100%) of the proceeds from the disposal of surplus police vehicles and vehicle-related equipment, and one hundred percent (100%) of the fees charged for the use of police vehicles on traffic details.

20-1.3 Purposes and Expenditures

During each fiscal year, the Chief of Police with the approval of the Mayor may incur liabilities against and spend monies from the Police Replacement Vehicles Fund # 2601 in support of traffic enforcement and for the purchase and maintenance of Police Department vehicles and vehicle-related equipment.

20-1.4 Fiscal Years
The Police Replacement of Vehicles Fund # 2601 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Police Replacement Vehicles Fund # 2601 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Police Replacement of Vehicles Fund.

20-2 Off Street Parking Fund # 2602

20-2.1 Fund Name

There shall be a separate fund called the Off Street Parking Fund for use of the Department of Budget and Administration.

20-2.2 Revenues

The City Auditor shall establish the Off Street Parking Fund # 2602 as a separate fund and credit to the fund fifty percent (50%) of the income generated from parking fees and fines for parking violations.

20-2.3 Purposes and Expenditures

During each fiscal year, the Parking Clerk with the approval of the Director of Budget and Administration and the Mayor may incur liabilities against and spend monies from the Off Street Parking Fund # 2602 to support parking enforcement and to maintain and improve city-owned public parking areas.

20-2.4 Fiscal Years

The Off Street Parking Fund # 2602 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Off Street Parking Meter Receipt Fund # 2602 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Off Street Parking Fund.

20-3 Protective Inspection Services Fund # 2603

20-3.1 Fund Name

There shall be a separate fund called the Protective Inspection Services Fund for use of the Department of Inspection.

20-3.2 Revenues (amended 5/21/19)

The City Auditor shall establish the Protective Inspection Services Fund #2603 as a separate fund and credit to the fund sixty-five percent (65%) of the fees paid for plumbing and gas inspection permits, and sixty-five percent (65%) of the fees paid for electrical inspection permits when needed to be performed by an outside contractor.

20-3.3 Purposes and Expenditures (amended 5/21/19)

During each fiscal year, the Inspector of Buildings with the approval of the Mayor may incur liabilities against and spend monies from the Protective Inspection Services Fund #2603 for the cost of professional services as established by ordinance for appointed plumbing and gas inspectors, Inspectors of Wires and all alternate inspectors and that the proposed Ordinance changes take place prior to July 1, 2019.

20-3.4 Fiscal Years

The Protective Inspection Services Fund # 2603 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Protective Inspection Services Fund # 2603 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Protective Inspection Services Fund.

20-4 Residential Special Waste Disposal Fund # 2604

20-4.1 Fund Name

There shall be a separate fund called the Residential Special Waste Disposal Fund for use by the Health Department.
20-4.2 Revenues

The City Auditor shall establish the Residential Special Waste Disposal Fund # 2604 as a separate fund and credit to the fund an amount voted annually by the Honorable Municipal Council per unit of the solid waste fee. In addition, any of the fees paid for special solid waste disposal and recycling programs and all income generated from the sale of rubbish bags and compost will be credited to the fund.

20-4.3 Purposes and Expenditures

During each fiscal year, the Health Agent with the approval of the Mayor may incur liabilities against and spend monies from the Residential Special Waste Disposal Fund # 2604 for the operation of solid waste, recycling and household hazardous waste disposal programs including salaries. In addition the Superintendent of Parks and Forestry shall provide operational support and staff as needed for the operation of the City Compost site.

20-4.4 Fiscal Years

The Residential Special Waste Disposal Fund # 2604 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Residential Special Waste Disposal Fund # 2604 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Residential Special Waste Disposal Fund.

20-5 Council on Aging Fund # 2606

20-5.1 Fund Name

There shall be a separate fund called the Council on Aging Fund for use by the Council on Aging.

20-5.2 Revenues

The City Auditor shall establish the Council on Aging Fund # 2606 as a separate fund and credit to the fund all income generated by senior programs including revenue received as sponsorships for programs.

20-5.3 Purposes and Expenditures

During each fiscal year, the Director of Council on Aging with the approval of the Mayor may incur liabilities against and spend monies from the Council on Aging Fund # 2606 for the printing and postage of the senior newsletter and for any other expenses for Council on Aging activities.

20-5.4 Fiscal Years

The Council on Aging Fund # 2606 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Council on Aging Fund # 2606 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Council on Aging Fund.

20-6 Capron Park Zoo Fund # 2607

20-6.1 Fund Name

There shall be a separate fund called the Capron Park Zoo Fund for use by the Zoo Division of the Parks and Forestry Department.

20-6.2 Revenues

The City Auditor shall establish the Capron Park Zoo Fund # 2607 as a separate fund and credit to the fund all fees paid for the admission to Capron Park Zoo, income from the Gift Shop, Concession Operations and Education Programs from individuals or organizations in support of the operation of Capron Park Zoo, and fees for programs in support of AZA animal conservation programs.

20-6.3 Purposes and Expenditures

(updated 8/20/2020)
During each fiscal year, the Zoo Director with the approval of the Superintendent of Parks and Forestry and the Mayor may incur liabilities against and spend monies from the Capron Park Zoo Fund # 2607 for the operation of Capron Park Zoo including salaries and for capital upgrades to the Zoo and in support of AZA conservation programs and organizations related to the Zoo’s species survival collection.

20-6.4 Fiscal Years

The Capron Park Zoo Fund # 2607 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Capron Park Zoo Fund # 2607 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Capron Park Zoo Fund.

20-7 Fire Alarm System Testing Fund # 2609

20-7.1 Fund Name

There shall be a separate fund called the Fire Alarm Testing Fund for use by the Fire Department.

20-7.2 Revenues

The City Auditor shall establish the Fire Alarm System Testing Fund # 2609 as a separate fund and credit to the fund fifty percent (50%) of all fees paid in association with the Municipal Fire Alarm System.

20-7.3 Purposes and Expenditures

During each fiscal year, the Fire Chief with the approval of the Mayor may incur liabilities against and spend monies from the Fire Alarm Testing Fund # 2609 to support fire alarm activities and for the purchase and maintenance of communication equipment for the Fire Department. The fund may also be used to pay the Fire Alarm Superintendent Stipend.

20-7.4 Fiscal Years

The Fire Alarm Testing Fund # 2609 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Fire Alarm Testing Fund # 2609 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Fire Alarm Testing Fund.

20-8 Fire Ambulances Fund # 2610

20-8.1 Fund Name

There shall be a separate fund called the Fire Ambulances Fund for use by the Fire Department.

20-8.2 Revenues

The City Auditor shall establish the Fire Ambulances Fund # 2610 as a separate fund and credit to the fund forty percent (40%) of the income generated by charges for municipal ambulance service.

20-8.3 Purposes and Expenditures

During each fiscal year, the Fire Chief with the approval of the Mayor may incur liabilities against and spend monies from the Fire Ambulances Fund # 2610 for the purchase or lease of municipal ambulances, for equipping and maintenance of said municipal ambulances, for personnel expenses and/or stipends associated with operating and administering the City’s emergency medical service, and for the expenses related to third party billing.

20-8.4 Fiscal Years

The Fire Ambulances Fund # 2610 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Fire Ambulances Fund #2610 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Fire Ambulances Fund.

20-9 Health Immunization Fund # 2611

(updated 8/20/2020)
20-9.1 Fund Name

There shall be a separate fund called the Health Immunization Fund for use by the Health Department.

20-9.2 Revenues

The City Auditor shall establish the Health Immunization Fund # 2611 as a separate fund and credit to the fund 100% of the income generated by the administration of vaccines and testing.

20-9.3 Purposes and Expenditures

During each fiscal year, the Health Agent with the approval of the Mayor may incur liabilities against and spend monies from the Health Immunization Fund # 2611 for the purposes of necessary immunization for residents of the City of Attleboro, or as determined to be necessary to prevent the spread of diseases.

20-9.4 Fiscal Years

The Health Immunization Fund # 2611 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Health Immunization Fund # 2611 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Health Immunization Fund.

20-10 Recreation Fund # 2614

20-10.1 Fund Name

There shall be a separate fund called the Recreation Fund for use by the Recreation Department.

20-10.2 Revenues

The City Auditor shall establish the Recreation Fund # 2614 as a separate fund and credit to the fund income generated by recreation department activities, rental of recreation department facilities and state revenue in support of the George I. Spatcher Pool.

20-10.3 Purposes and Expenditures

During each fiscal year, the Recreation Director with the approval of the Mayor may incur liabilities against and spend monies from the Recreation Fund # 2614 for the operation of Recreation Department activities, including wages for program staff, recreational department activities and for capital upgrades to recreation facilities.

20-10.4 Fiscal Year

The Recreation Fund # 2614 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Recreation Fund # 2614 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Recreation Fund.

20-11 Animal Welfare Fund # 2615

20-11.1 Fund Name

There shall be a separate fund called the Animal Welfare Fund for use by the Animal Control Division of the Park and Forestry Department.

20-11.2 Revenues

The City Auditor shall establish the Animal Welfare Fund # 2615 as a separate fund and credit to the fund one-third of the income generated by the adoption fee derived under City Ordinances 9-2 (as amended) for both dogs and felines, and to receive $1.00 of every fee collected pursuant to Section 9-43 of the Revised Ordinances of the City of Attleboro.
20-11.3 Purposes and Expenditures

During each fiscal year, the Animal Control Officer with the approval of the Superintendent of Parks and Forestry and the Mayor may incur liabilities against and spend monies from the Animal Welfare Fund # 2615 for the purpose of direct services for the care of animals, such as medical treatment, spay and neutering of animals and food for animals. Prohibited expenditures are building maintenance, facility care expenses and salary and wages.

20-11.4 Fiscal Years

The Animal Welfare Fund # 2615 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Animal Shelter Fund # 2615 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Animal Welfare Fund.

20-12 Police False Alarm Fund # 2616

20-12.1 Fund Name

There shall be a separate fund called the Police False Alarm Fund for use by the Police Department.

20-12.2 Revenues

The City Auditor shall establish the Police False Alarm Fund # 2616 as a separate fund and credit to the fund 100% of the income generated by false alarm fees and fines.

20-12.3 Purposes and Expenditure.

During each fiscal year, the Chief of Police with the approval of the Mayor may incur liabilities against and spend monies from the Police False Alarm Fund # 2616 to provide any needed training and equipment; and provide for any personnel expenses including overtime associated with the operating and administering the false alarm ordinance.

20-12.4 Fiscal Years

The Police False Alarm Fund # 2616 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Police False Alarm Fund # 2616 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the Police False Alarm Fund.

20-13 Animal Shelter Building Fund # 2618

20-13.1 Fund Name

There shall be a separate fund called Animal Shelter Building Fund for use by the Animal Control Division of the Park and Forestry Department.

20-13.2 Revenues

The City Auditor shall establish the Animal Shelter Building Fund # 2618 as a separate fund and credit to the fund late fees collected under City Ordinance Sections 9-37.1 and 9-43.

20-13.3 Purposes and Expenditures

During each fiscal year, the Animal Control Officer with the approval of the Superintendent of Parks and Forestry and the Mayor may incur liabilities against and spend monies from the Animal Shelter Fund for capital improvements of the Animal Shelter Building.

20-13.4 Fiscal Years

The Animal Shelter Building Fund # 2618 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in the existing Animal Shelter Fund # 2508 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the new Animal Shelter Building Fund.

(updated 8/20/2020)
20-14 Fingerprinting Fund # 2619

20-14.1 Fund Name

There shall be a separate fund called Fingerprinting Fund for use by the Police Department.

20-14.2 Revenues

The City Auditor shall establish the Fingerprinting Fund # 2619 as a separate fund and credit to the fund fees collected under City Ordinance Section 15-6.4.

20-14.3 Purposes and Expenditures

During each fiscal year, the Police Chief with the approval of the Mayor may incur liabilities against and spend monies from the Fingerprint Fund for cost associated with the administration of the fingerprinting system. As required by Massachusetts General Law Chapter 6 Section 172B ½ a portion of the fee is to be forwarded to the Fingerprint Identity Verification Trust Fund.

20-14.4 Fiscal Years

The Fingerprinting Fund # 2619 shall operate for fiscal years that begin on or after July 1, 2017. It is further authorized that the balance in account 8910-245005 shall roll forward after the close of the books on fiscal year 2017 and become the opening balance in the new Fingerprinting Fund.

This Ordinance shall become effective July 1, 2017.
APPENDIX
April 22, 2014

Honorable Mayor Kevin J. Dumas
Government Center, City Hall
77 Park Street
Attleboro, MA 02703

RE: Reorganization of the Fire Department

Dear Mayor Dumas,

During the last two years, we have worked diligently to develop a reorganizational plan for the fire department. The proposed reorganizational plan addresses important firefighter safety issues; enhances service delivery; improves compliance with national fire protection association (NFPA) standards; improves fire code enforcement and fire prevention capabilities; reduces community risk of injury and major fire loss; and reduces potential liability for the City of Attleboro. Because the plan provides an expandable management structure, the fire department will be better prepared to meet the future needs of the community.


Key components of the proposed plan include:

- Addition of an Assistant Fire Chief (Deputy, non-union)
- Utilization of District Chiefs as Platoon Commanders and Administrative Division Chiefs (Deputy Chiefs will be phased out through attrition)
- Reduction in the number of Captains (through attrition, number will be decreased to 8)
- Addition of Lieutenants as first-level supervisors (number of Lieutenants will reach 16 as Captains retire)
- Improved staffing on Engine-4 and Ladder-1 (presently operate with 2 firefighters)
- Assignment of a company officer to each primary fire apparatus
- Addition of one (1) fire inspector

Recognizing economic limitations, we have developed an updated fee schedule for fire prevention activities and have proposed a new cost recovery program. The cost recovery program allows the fire department to recover costs associated with hazardous material incident assessment and mitigation in accordance with M.G.L. Chapter 21E, *the Massachusetts Oil and Hazardous Material Release Prevention and Response Act*. The proposed fee schedules will provide recurring revenue necessary to fund the proposed reorganizational plan.

As you know, the Attleboro Professional Firefighters, Local 848 have recently ratified the proposed reorganizational plan following twelve months of negotiation and impact bargaining. Therefore, I respectfully request that you submit the proposed fire department reorganizational plan, fire prevention fee schedule, and cost recovery program to the Municipal Council to implement the necessary modifications to existing City ordinances.

Sincerely,

Scott T. Lachance
Fire Chief

(updated 8/20/2020)
Attleboro Fire Department
Reorganization Plan

4/22/2014
Scott T. Lachance, Fire Chief
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Attleboro Fire Department (AFD) Rank Structure Analysis

Introduction
The current structure of the Attleboro Fire Department is discussed in the following sections. The purpose of this document is to identify deficiencies within the rank structure and identify potential solutions while recognizing budgetary constraints. The deficiencies discussed have been identified from several sources including other fire departments in Bristol County, Norfolk County, and bordering Rhode Island communities; the National Incident Management System (NIMS) Incident Command System (ICS); National Fire Protection Agency (NFPA) technical consensus standards; and the text book *Managing Fire and Rescue Services*.

Currently, the fire department is structured as shown in figure 1. The Fire Chief directly supervises eleven different people. The amount of administrative oversight required to effectively manage a department with 87 employees requires additional managerial staff to ensure long-term strategic planning, efficient mission implementation, development of sufficient institutional memory, and management of normal day-to-day activities.

In order to ensure a fundamental understanding of the operation of the fire department, the following sections discuss common rank structures found in the United States Fire Service. Additionally, the current Attleboro Fire Department rank structure is reviewed and identified deficiencies within the current structure are discussed. The final section of this document presents a recommended restructured rank plan along with an implementation plan.

National Standards, Regulations, and Other Factors
There are numerous standards, regulations, and other requirements that affect deployment of firefighting personnel and resources:

**NIOSH**
The National Institute for Occupational Safety and Health (NIOSH) investigates every firefighter fatality and establishes national standards for firefighter safety and health. Municipalities are likely to have some liability if Fire Departments do not work towards meeting these national standards.

The two-in-two-out standard is probably the most important standard of NIOSH. The standard mandates that whenever firefighters are engaged in structural firefighting, at least two firefighters must be outside and available to facilitate a rescue in the event that the firefighters encounter problems. Firefighters are not allowed to enter these atmospheres without immediate assistance available unless a life is clearly at risk.

**OSHA**
The Federal Occupational Safety and Health Agency (OSHA) regulates employment in Immediately Dangerous to Life and Health (IDLH) atmospheres. Structural firefighting is considered an IDLH atmosphere and is therefore subject to federal OSHA requirements including the two-in-two-out requirement discussed under NIOSH.
Although Massachusetts municipal employees are not directly covered by OSHA, the municipality is still required to comply with recognized safety regulations. The following text is from the Massachusetts Department of Labor and Workforce Development:

“More than half the states in the US cover their public sector workers, such as firefighters, with OSHA standards or equivalent. In Massachusetts, although public sector workers are not specifically covered by OSHA, the Massachusetts Division of Occupational Safety (DOS) can set standards for municipal worker occupational health under MGL Chapter 149 section 6. It is the policy of the Division of Occupational Safety that in order to meet the intent of Chapter 149 section 6, municipalities should comply with OSHA standards such as the Respirator Standard.

In addition, according to Massachusetts General Law Chapter 48 Section 51A, breathing apparatus must meet NFPA standards set for SCBAs. (According to legal counsel at the State Fire Academy, this would include the requirement for fit testing respirators.)”

Workplace safety for Massachusetts municipal employees is regulated by Massachusetts General Law Chapter 149, Section 6. According to the Massachusetts Department of Labor and Workforce Development, “Municipal employers who comply with US Department of Labor OSHA and other nationally recognized safety and health standards will be considered to be in compliance with Chapter 149, Section 6”.

**NFPA**

The National Fire Protection Association (NFPA) is the national standard for all fire protection issues. Even in jurisdictions that have not formally adopted specific NFPA standards, there is significant liability if a municipality deviates significantly and a problem occurs as a result of this deviation. NFPA is considered a technical consensus standard. There are multitudes of case law and successful litigation against municipalities for failing to meet standards when an injury has occurred.

Some of the more important standards set forth by NFPA involve response times, total staffing levels, Company size, RIT establishment, apparatus age, and training. NFPA has established the minimum recommended staffing levels for Engine Companies and Ladder Companies as 3 firefighters and 1 Company Officer. All modern Fire Departments work diligently to improve compliance with NFPA standards while recognizing financial constraints.

NFPA standards have become the nationally recognized standard for all aspects of the fire service.

**ISO**

The Insurance Services Organization maintains an ISO rating for all communities in the United States. Most insurance carriers utilize this rating to determine property insurance premiums. The ISO rating is an extensive computation that considers all aspects of a community’s fire protection capability. ISO utilizes NFPA standards in their calculations. ISO is discussed later in this document.

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Common Rank/Structure Implementations

Operational / Line Positions

Company Officers

The term company officer typically refers to Lieutenants or Captains. Most fire departments have both Lieutenants and Captains; however, the Attleboro Fire Department utilizes only Captains. The rank of Lieutenant is the first rank above firefighter. The rank of Captain is the next rank above Lieutenant.

There are numerous variations in the use of Lieutenants/Captains. Generally speaking, the company officer is responsible for a crew (called a company in the fire service) and the apparatus they are assigned to. The company officer has the following responsibilities:

- Supervising the company
- Ensuring safe operation of equipment
- Providing training for the company
- Ensuring company compliance with departmental policies, procedures, & SOGs
- Maintaining safety of the company
- Maintaining morale of the company
- Counseling company members
- Supervising company inspections
- Assisting with administrative duties as directed by the District Chief, Chief, or Assistant Chief

Company officers report directly to a superior officer. The reporting relationship depends on the size of the department. As a general rule, the company officer reports to a superior officer at the next highest rank. This reporting structure is referred to as the “chain of command”. Department issues are managed at the lowest level possible.

Station Officer

The term “station officer” (also called house captain) typically refers to Captains. The station officer typically functions in a fire station that houses multiple fire companies (e.g. the station has 1 Ladder, 1 Engine, and 1 Rescue). Most fire departments have both Lieutenants and Captains; however, the Attleboro Fire Department utilizes only Captains.

The station officer has the same responsibilities as other company officers and also other additional responsibilities related to supervising other company officers. The station officer has the following responsibilities:

- Supervising their company
- Supervising other company officers in the same fire house
- Ensuring safe operation of equipment
- Providing training for their company and other company officers
- Ensuring company compliance with departmental policies, procedures, & SOGs
- Maintaining safety of their company
- Maintaining morale of their company
- Counseling members of their company
- Supervising company inspections
- Assisting with administrative duties as directed by the District Chief, Chief, or Assistant Chief
District Chiefs

Platoon District Chiefs

The term District Chief typically refers to the first rank above Captain. Generally speaking, the District Chief is responsible for a group of fire stations and the companies assigned to them during an entire work shift. This work shift is referred to as “tour”. This group of fire stations and companies is called a “district”. There can be more than one district for each tour in larger departments. These District Chiefs would each be responsible for 3 – 4 Fire Stations and their respective companies. They would be referred to as Platoon District Chiefs.

The Platoon District Chief has the following responsibilities:

- Supervising the company officers
- Ensuring safe operation of equipment
- Providing training for the company officers and district/platoon members
- Ensuring company officer compliance with departmental policies, procedures, & SOGs
- Maintaining safety of the district/platoon
- Maintaining morale of the district/platoon
- Counseling company officers
- Assisting with administrative duties as directed by the Assistant Chief or Chief

Administrative District Chiefs

The rank of District Chief is also commonly utilized for administrative positions, although there are still operational responsibilities of these administrative positions. It is common to find District Chiefs in the following administrative (Monday – Friday) positions:

- Fire Prevention Bureau Chief
- EMS Chief
- Services Chief (apparatus maintenance, station maintenance, equipment maintenance, communications)
- Training Division Chief

Additionally, Administrative District Chiefs may assist with other administrative duties as directed by the Assistant Chief or Chief. Administrative District Chiefs are assigned to a response vehicle (typically an SUV). They respond as needed to all significant incidents in their response area (i.e. their “district”). At incident scenes, District Chiefs function as critical Command Staff personnel and support the Incident Commander in a various capacities, such as:

- **Incident Safety Officer** (mandated at all Hazardous Material incidents and incidents with Immediately Dangerous to Life or Health (IDLH) atmospheres such as found during structural firefighting. This is a mandatory position based on standards set by the Occupational Safety & Health Agency (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).
- **Accountability Officer** responsible for maintaining accurate tracking of the location of all personnel operating at the incident scene.
- **Information Officer** responsible for obtaining, recording, and tracking relevant information at large-scale incidents and providing this information to the Incident Commander.
- **Liaison Officer** responsible for interfacing with other agencies and/or departments at large-scale incidents.
incidents and providing this information to the Incident Commander.

- **Public Information Officer** responsible for preparing information for release to the media, public, and other officials and for delivering brief reports to media as directed by the Incident Commander.
- **Operational Positions** such as Division Leaders, Section Chiefs, or Unit Leaders as directed by the Incident Commander to assist in incident mitigation based on strategies and tactics established by the Incident Commander.

The Attleboro Fire Department does not currently utilize District Chiefs. The position is filled by the rank of Deputy Chief.

**Deputy Chiefs**

The term Deputy Chief typically refers to the first rank above District Chief. Deputy Chiefs are the highest rank in most fire departments excluding the Fire Chief. In most departments, Deputy Chiefs work an administrative schedule (Monday – Friday) and have both administrative and operational responsibilities. In almost all fire departments, the Deputy Chief is recognized as the Assistant Chief. The Deputy Chief has the following responsibilities:

- Supervising, District Chiefs or Captains (when Captains function as platoon commanders)
- Assisting the Chief with long range planning and goal establishment
- Assisting the Chief with development, implementation, and compliance with all departmental policies, procedures, and directives
- Assisting with the development, implementation, and oversight of the fire department budget
- Responding to incidents as necessary and assuming any required position(s)
- Providing coverage as needed in the absence of the Fire Chief
- Ensuring safe operation of equipment
- Providing training for District Chiefs
- Ensuring company officer compliance with departmental policies, procedures, & SOGs
- Maintaining safety of the department
- Maintaining morale of the department
- Counseling District Chiefs
- Assisting with other administrative duties as directed by the Fire Chief

Deputy Chiefs are assigned to a response vehicle (typically an SUV). They respond to all significant incidents in their response area as needed. At incident scenes, Deputy Chiefs function as the Incident Commanders and direct the actions of the Companies under their command. Their directions are delivered as command orders to company officers and District Chiefs.

The Attleboro Fire Department does utilize Deputy Chiefs; however, Deputy Chiefs in the Attleboro Fire Department function as District Chiefs/Platoon Commanders and work the same schedule as other operational personnel. The department currently has four (4) Deputy Chiefs (one assigned to each of the four shifts) who supervise the company officers under their command.

The current structure of the department results in four “unique” shifts. The Deputy Chiefs do not report to anyone other than the Fire Chief. It is exceedingly difficult for one person (the Fire Chief) to effectively manage the Deputy Chiefs since they are all assigned to different shifts. Because of numerous other responsibilities, it is not uncommon for the Chief to interact with some of the Deputies only 4 or 5 times in a month.
Assistant Fire Chief (Deputy, non-union)

The term Assistant Chief typically refers to the first rank below the Fire Chief. Assistant Chiefs follow the administrative schedule (Monday – Friday). They have both administrative and operational responsibilities. *Massachusetts Civil Service does not normally recognize this rank. In almost all Civil Service Fire Departments, the position of Assistant Chief is filled by the rank of Deputy Chief.*

As previously discussed, the Attleboro Fire Department presently has four (4) Deputy Chiefs performing the duties of District Chiefs.

The Assistant Chief has the following responsibilities:

- Supervising District Chiefs
- Assisting the Chief with long range planning and goal establishment
- Assisting the Chief with development, implementation, and compliance with all departmental policies, procedures, and directives
- Assisting with the development, implementation, and oversight of the fire department budget
- Responding to incidents as necessary and assuming any required position(s)
- Providing coverage as needed in the absence of the Fire Chief
- Ensuring safe operation of equipment
- Providing training for District Chiefs
- Ensuring compliance with departmental policies, procedures, & SOGs
- Maintaining safety of the department
- Maintaining morale of the department
- Counseling District Chiefs
- Assisting with other administrative duties as directed by the Fire Chief

Assistant Chiefs are assigned to a response vehicle (typically an SUV). They respond to all significant incidents in their response area as needed. At incident scenes, Assistant Chiefs function as the Incident Commanders and direct the actions of the companies under their command. Their directions are delivered as command orders to company officers and District Chiefs.

*The Attleboro Fire Department does not currently utilize an Assistant Chief.*

Other Staff Positions

It is very common to find other administrative/staff assignments within the fire service. Some of these positions are discussed in the following sections. This is not intended to be an all inclusive list. Refer to figure 5 for an administrative staffing comparison of several departments. As demonstrated in figure 5, the Attleboro Fire Department is clearly under staffed in this area. This has been a major obstacle in the performance of numerous important daily activities. The current administrative staffing levels have adversely impacted fire prevention, safety, training, public education, and apparatus maintenance.

Fire Prevention Officer/Inspector

This officer is responsible for most fire department inspections, building plan review, fire sprinkler system plan review, and compliance with MGL Chapter 148 and CMR 527 Fire Prevention Regulations. Because of the tremendous workload and potential liability of these requirements, most departments have at least two (2) inspectors performing these duties. There are at least 800 – 1,000 businesses that the Fire Department does not inspect annually. Additionally, we lack sufficient inspection personnel to issue/require mandated permits.
The towns of Mansfield and North Attleboro have two officers performing these duties. The City of Taunton has three officers performing these duties. New Bedford has seven and Fall River has nine.

The Attleboro Fire Department has only one officer performing these duties. The lack of sufficient fire inspectors presents a major risk to the safety of the community and to firefighters.

**Training Officer**

This officer is responsible for developing, implementing, and evaluating all fire department training activities. The Insurance Services Organization (ISO) is an organization that rates all fire departments in the United States (1 – 10 scale, 1 is the best) based on a complicated evaluation that considers staffing, apparatus, equipment, water supply, dispatch, and training.

The rating established by ISO is utilized by most insurance companies when determining insurance premiums for property owners. The City of Cambridge is the only community in Massachusetts with a rating of “1”. This results in a significant decrease in insurance premiums for the residents and business owners in Cambridge. The City of Attleboro has an ISO rating of “4”, which is slightly low for similar sized municipal departments.

The training requirements required by ISO to receive maximum credit for fire department training are impossible to meet without a full-time training officer. ISO requires each department member to complete 12 single-company evolutions annually, 4 multi-company evolutions annually, night evolutions, and at least 20 hours of company training each month to receive full credit for training.

There are additional requirements for extensive annual driver training and officer training. Effective record keeping of all departmental training is crucial to an improved ISO rating. Training is probably the most cost effective method at improving a department’s ISO rating thus reducing insurance premiums for property owners.

A typical insurance premium may be reduced by 3% when a City’s ISO rating is improved by one. If the City of Attleboro maintained an ISO rating of “1” like the City of Cambridge, the typical property insurance premium might be reduced by as much as 9%. Obviously this is a long-term goal that would require significant planning to implement; however, it is probably worth researching the feasibility of such a plan.

The Attleboro Fire Department does not have a full-time training officer.

**EMS Officer/ALS Director**

The EMS Officer/ALS Director is responsible for overseeing the day-to-day operations of the EMS service delivery. These responsibilities include:

- Supervising EMS personnel
- Assisting the Chief with long range EMS planning and goal establishment
- Assisting the Chief with development, implementation, and compliance with all departmental EMS policies, procedures, and directives
- Overseeing departmental mentoring program for new EMS personnel
- Providing QA/QI for all EMS incidents
• Assisting the Chief with the development, implementation, and oversight of Fire Department EMS budget
• Responding to EMS/fire incidents as necessary and assuming any required position(s)
• Ensuring safe operation of EMS equipment
• Providing training for EMS personnel
• Assisting with other administrative duties as directed by the Fire Chief

The Attleboro Fire Department currently utilizes the position of ALS Director. The position is filled with a Captain/Paramedic. The lack of high level rank impedes the effectiveness of this position.

Fire Alarm Superintendent

The Fire Alarm Superintendent is responsible for overseeing the day-to-day operations of the municipal fire alarm system. These responsibilities include:

• Providing annual tests of all master box (radio box) fire alarm systems. There are more than 250 radio boxes in service now.
• Providing master box (radio box) fire alarm system disconnects when fire alarm technicians or sprinkler contractors are inspecting/servicing systems.
• Replacing master box (radio box) fire alarm system batteries at designated intervals.
• Maintaining the municipal fire alarm system including wired (copper, fiber optic) and wireless infrastructures.
• Responding to incidents as necessary and assuming any required position(s).
• Maintaining all fire department radio communications equipment.
• Reviewing fire alarm plans
• Assisting dispatch during significant incidents
• Providing communications training for personnel
• Assisting with other administrative duties as directed by the Fire Chief

The Attleboro Fire Department has one (1) Fire Alarm Superintendent.

Assistant Fire Alarm Superintendent

The Assistant Fire Alarm Superintendent assists the Fire Alarm Superintendent and provides coverage in his absence.

The Attleboro Fire Department does not have an Assistant Fire Alarm Superintendent. In the absence of the Superintendent, overtime is utilized as necessary to provide the required coverage.

Large Fire Department Structure

In larger fire departments, it is common to see all of the previously discussed positions and ranks. Large departments may have 20 or more fire stations and more than 50 in-service Companies. Figure 3 demonstrates a typical structure of a very large fire department, the Tempe, Arizona Fire Department. The department has more than 180 employees.

As the organizational chart shows, there are seven (7) Deputy Chiefs supervising platoons or administrative divisions. Additionally, there are 3 Assistant Chiefs who supervise the 7 Deputy Chiefs. This is the most common type of structure found in modern, progressive departments.
Small Fire Department Structure

In smaller fire departments, it is common to see some of the previously discussed positions and ranks. Very small departments may have all administrative responsibilities assigned to one person, although it is not common. There is typically one Deputy Chief who assists the Chief in all departmental areas of responsibility.

The Towns of Mansfield, North Attleboro, and Norton all have one Deputy Chief who functions as the Assistant Chief. The Town of Plainville has recently approved the addition a full-time Assistant Chief (Deputy Chief). The Deputy Chief in these departments works an administrative schedule (Monday – Friday) and has extensive administrative and operational responsibilities. This provides enhanced continuity across the four different shifts.

Figure 4 demonstrates a typical structure of a much smaller fire department.

Rank Structure Considerations

It is important to point out that the previously discussed ranks are not all-inclusive. Some departments have other positions not discussed, such as Engineers, Operators, Senior Firefighter, etc. Although there are numerous variations, the fundamental concept of span-of-control is the factor that ultimately determines the most effective rank implementation within a department. According to the NIMS, in ICS, the span of control of any individual with incident management supervisory responsibility should range from 3 to 7 subordinates, with 5 being optimal.

It is also important to recognize that unique department specific characteristics must be considered when developing the most effective rank structure. For example, not all departments provide Emergency Medical Services. As EMS service expands, it is imperative that we proactively plan for the changes that are required to ensure that we are able to provide the necessary services to the community. Budgetary constraints must be balanced with realistic goals to ensure responsible use of limited financial resources.

Attleboro Fire Department Structure

Company Officers

The Attleboro Fire Department does not currently utilize Lieutenants in any capacity. In order for the chain-of-command to function adequately, all personnel should directly report to only one supervisor. Currently, several administrative personnel report to more than one supervisor. This is highly ineffective and results in duplication of effort and inefficient communication. Additionally, a supervisor should directly supervise only 5 subordinates. This is a well recognized NIMS ICS standard for incident management and also for normal administrative activities.

The lack of Lieutenants causes eight (8) firefighters each day to work without immediate supervision. The following Companies do not have a Company Officer assigned to the apparatus:

- Rescue-1
- Rescue-2 / Ladder-2
- Ladder-1
- Engine 4

These firefighters report to various Captains. The two firefighters assigned to Engine-4 function with no immediate supervision/accountability. The Brigg’s Corner Fire Station is the only station without an officer (updated 8/20/2020)
Captains are assigned to the following positions on each shift:

- Headquarters   Engine 1
- South Attleboro   Engine 2
- Twin Village   Engine 5

Deputy Chiefs / Platoon Commanders

The Attleboro Fire Department utilizes the rank of Deputy Chief as Platoon Commanders. The Deputy Chiefs function as District Chiefs. They are responsible for the activity of their respective platoons. They supervise the three (3) Captains assigned to their shifts and also supervise the 8 firefighters who do not have company officers directly supervising them.

The insufficient number of company officers results in a span of control as high as 11-to-1. As previously discussed, the nationally recognized standard dictates that the span of control for any individual with incident management supervisory responsibility should range from 3 to 7 subordinates with 5 being optimal.

Typically, the Deputy Chiefs have all been given various administrative responsibilities; however, this has been problematic for more than 25 years. Some of the problems encountered with this configuration are as follows:

- Because of the work schedule, Deputies assigned to shifts are not able to maintain continuity with any special areas of responsibility.
- Each Deputy Chief directly interacts with only two of the three other Deputy Chiefs.
- Because the four (4) Deputy Chiefs are the same rank, there is no clear supervisor other than the Chief. This leads to shifts that tend to function independently and causes significant tension among the four (4) shifts.
- Because there is insufficient administrative staff, the Deputy Chiefs manage many day-to-day activities of their shifts, such as scheduling training, scheduling apparatus maintenance, assigning employees, performing housekeeping, and other administrative activities. This also results in variations across the four (4) shifts since there is not one supervisor overseeing these responsibilities.
- Important administrative information is difficult to disseminate to the four (4) shifts with this configuration. Currently, it is necessary to meet with each Deputy Chief individually and also provide written correspondence to ensure that all important information is distributed. This is an extensively time consuming, inefficient process.

Fire Prevention Captain

The Attleboro Fire Department Fire Prevention Captain is responsible for the enforcement of the Fire Code based on M.G.L. Chapter 148 and C.M.R. 527 Fire Prevention Regulations. These regulations are based on the model fire code as established by the National Fire Protection Association (NFPA) and other recognized standards. The position requires an extensive amount of study and research to ensure effective code enforcement. The responsibilities of the position include:

- M.G.L. 148, Section 26F smoke detector inspections
- Oil burner installation inspections
- Propane tank installation inspections
• Underground storage tank (UST) installation inspections
• Combustible and flammable liquid storage inspections
• Flammable gas storage inspections
• Carbon monoxide detector installation inspections
• Commercial fire alarm system plan review/inspections
• Fire sprinkler system installation inspections/plan review
• Tank truck inspections
• Life safety inspections of businesses
• Fire code violation inspections
• Self service gas station inspections
• Plan review for all gas stations
• Enforcement of all fire prevention codes/regulations
• Pre-construction plan review
• Issuing permits for explosives, fumigation, black powder storage

This is not an all-inclusive list. The Massachusetts Fire Prevention Code is an extensive document that fire departments are mandated to enforce. The Fire Prevention Captain has a significant work load and frequently must make difficult decisions regarding prioritizing work. There is sufficient work in the Fire Prevention Office to keep two (2) inspectors busy.

On-duty crews perform “Quarterly Inspections” (4 times per year) of schools, nursing homes, hospitals, day cares, group homes, assisted living complexes, elderly housing complexes, and other businesses. This is a standard practice nationally. Utilizing on-duty crews for these inspections provides valuable knowledge for on-duty crews; however, the Fire Prevention Captain must review all the inspection reports completed for these inspections.

The major deficiency with this position is that it is provided by the rank of Captain. It is very difficult for the Fire Prevention Captain to interface with other Captains and ensure that inspections are being performed correctly, completely, and accurately. It is even more difficult for the Fire Prevention Captain to address these issues with the four (4) Deputy Chiefs since the Fire Prevention Captain is a subordinate position.

Essentially all fire departments have a higher ranking officer in charge of the Fire Prevention Bureau. Typically, the position is filled by a Deputy Chief or District Chief to provide the necessary authority to ensure compliance by on-duty crew members.

**ALS Director**

The ALS Director is responsible for overseeing the daily operations of the EMS Service Delivery for the City of Attleboro. The responsibilities of this position include:

• Supervising EMS personnel
• Assisting the Chief with long range EMS planning and goal establishment
• Assisting the Chief with development, implementation, and compliance with all departmental EMS policies, procedures, and directives
• Overseeing departmental mentoring program for new EMS personnel
• Providing Quality Assurance (QA)/Quality Improvement (QI) for all EMS incidents
• Assisting the Chief with the development, implementation, and oversight of Fire Department EMS budget
• Responding to EMS/Fire incidents as necessary and assuming any required position(s)

(updated 8/20/2020)
- Ensuring safe operation of EMS equipment
- Providing training for EMS personnel
- Assisting with other administrative duties as directed by the Fire Chief

The current ALS Director has effectively managed and improved the EMS System; however, there have been some problems with the effective implementation of this position. The major deficiency with this position is that it is provided by the rank of Captain. It is very difficult for the ALS Director to address these issues with Captains and the four (4) Deputy Chiefs since the ALS Director is a subordinate position.

The responsibilities of this position would be more effectively implemented by a higher ranking officer in charge of the EMS service delivery. This would ensure department-wide compliance, and acceptance. It would be significantly more effective to utilize the rank of Deputy Chief or District Chief to provide the necessary authority to ensure compliance by on-duty crew members.

**Companies without Company Officers**

As previously discussed, there are numerous companies within the current structure that do not have a company officer. There are numerous disadvantages with this format; however, the most significant is the inherent lack of accountability and supervision. The problem is compounded during fire ground operations. Fire ground operations require highly trained personnel who are familiar with firefighting strategies and tactics, understand Incident Command, and have demonstrated leadership capabilities. All personnel who may become involved in incident mitigation activities **must** have an immediate supervisor to whom they report.

Specific companies that routinely function during incident mitigation without the immediate supervision of a company officer are discussed in the following sections.

**Ladder-1**

Ladder-1 is the primary ladder truck for the City of Attleboro. Ladder company responsibilities are very physically demanding. The responsibilities of a ladder company include search and rescue, ventilation, salvage, overhaul, forcible entry, vehicle stabilization during extrication, and other tasks.

Ladder-1 is staffed with only two firefighters. There is no company officer assigned to the apparatus. This results in firefighters working without direct supervision in potentially dangerous conditions. Company officers are more highly trained and better skilled at completing the strategies directed by the Incident Commander.

A two-person ladder company is ineffective when performing the tactics assigned to them at incident. The national standard for staffing fire apparatus requires one (1) officer and three (3) firefighters. These standards have been developed based on extensive research that considers response time, time to complete fire ground tasks, firefighter safety, and effective rescue and fire suppression.

**Ladder-2**

Ladder-2 is the primary ladder truck for the south portion of the City of Attleboro. Ladder-2 is staffed with only two firefighters who also staff Rescue-2. Although this may be less than optimal, it has allowed the City of Attleboro to keep a second ladder truck in service. There is no company officer assigned to the apparatus. This results in firefighters working without direct supervision in potentially dangerous conditions. Company officers are more highly trained and better skilled at completing the strategies directed by the Incident Commander.
Commander.

A two-person ladder company is ineffective when performing the tactics assigned to them at incident. The national standard for staffing fire apparatus requires one (1) officer and three (3) firefighters. These standards have been developed based on extensive research that considers response time, time to complete fire ground tasks, firefighter safety, and effective rescue and fire suppression.

**Rescue-1**

Rescue-1 is the busiest company in the City. Although the primary responsibility of the members assigned to Rescue-1 is providing emergency medical service, they are also utilized as firefighters at all structure fires. The members assigned to Rescue-1 function without direction supervision unless they are directed to “team up” with another company on the scene. They are commonly assigned to work with a ladder company or engine company. Because of the large volume of EMS incidents, Rescue-1 personnel are frequently not available for firefighting activities.

**Rescue-2**

Rescue-2 is the ambulance assigned to the south portion of the City. Although the primary responsibility of the members assigned to Rescue-2 is providing emergency medical service, they are also utilized as firefighters at all structure fires. At structure fires, the members of Rescue-2 staff ladder-2 and function as a ladder company without a company officer. Because of the large volume of EMS incidents, Rescue-2 personnel are frequently not available for firefighting activities.

**Engine-4/Rescue-4**

Engine-4 is a two-person engine company housed at the Brigg’s Corner Fire Station. There is no company officer assigned to the apparatus. This results in firefighters working without direct supervision in potentially dangerous conditions. Company officers are more highly trained and better skilled at completing the strategies directed by the Incident Commander.

A two-person engine company is ineffective when performing the tactics assigned to them at incident. The national standard for staffing fire apparatus requires one (1) officer and three (3) firefighters. These standards have been developed based on extensive research that considers response time, time to complete fire ground tasks, firefighter safety, and effective rescue and fire suppression.

Engine-4 is the only Advanced Life Support (ALS) engine company in the City of Attleboro. They respond to all medical incidents in their district to initiate advanced life support and also respond to structure fires and other related incidents.

When a third ambulance is needed anywhere in the City of Attleboro, Rescue-4 is utilized to provide this service. The same crew members assigned to Engine-4 are also assigned to Rescue-4.

**Recommendations**

The following sections include recommendations to correct the most important deficiencies identified by within this document. Refer to figure 1 and figure 2 to compare the current AFD organizational structure with the proposed structure.

(updated 8/20/2020)
Restructure Plan

As shown in the organizational diagrams, the proposed restructuring will result in the following rank assignments:

- Fire Chief – 1
- Assistant Chief (Deputy, non-union) – 1
- District Chiefs – 6 (4 Platoon District Chiefs and 2 Administrative District Chiefs)
- Captains – 8
- Lieutenants – 16
- Firefighters – 80
- Fire Alarm Superintendent – 1
- Fire Inspector – 1

Restructuring Advantages

Significantly Improved Span-of-Control

With this implementation, the Headquarters (HQ) Fire Station and the South Attleboro (SA) Fire Station will have a Captain assigned to the Engine Company. The HQ Captain will manage day-to-day activities at both HQ and at the Brigg’s Corner (BC) Station. The SA Captain will manage day-to-day activities at both SA and at the Twin Village (TV) Station. At most incident scenes, there will only be one Captain and 2 Lieutenants. The TV and BC Fire Stations will have a Lieutenant as the company officer. The Lieutenant will directly supervise the company. There will also be a Lieutenant assigned to Ladder-1. This will ensure that each primary fire apparatus will have a company officer and two (2) firefighters assigned. This will improve firefighter safety, incident management, and accountability significantly.

Ability to Easily Expand Structure

The proposed structure has been designed to ensure possible expansion as necessary. For example, a full-time Training Officer (as previously discussed) could be implemented and placed under the authority of the EMS District Chief or additional inspectors could be implemented and placed under the authority of the Fire Prevention District Chief. As the demands placed upon the fire service expand, it is imperative that we provide the management structure to meet these obligations and responsibilities.

Improved Command Staff Interactions

Because five (5) out of eight (8) Command Staff personnel (Chief, Assistant Chief, 6 District Chiefs) will be on duty Monday-Friday, there will be a tremendous improvement in departmental communications. Daily / weekly staff meetings will ensure proper dissemination of operational orders, executive orders, directives, and policies and procedures.

The addition of an Assistant Chief (Deputy, non-union) will improve institutional memory, accountability, and safety.

Improved Fire Ground Safety and Incident Mitigation

At larger incidents, the two Administrative District Chiefs could respond to the incident as necessary and assist the Incident Commander as needed. The addition of Lieutenants on Ladder-1 and Engine-4 will improve firefighter safety and enhance the ability of the department to meet the needs of the
Improved Fire Prevention Capabilities

As previously discussed, The Attleboro Fire Department presently has just one Fire Prevention Captain assigned to the Fire Prevention Division. With only one inspector, the department is unable to conduct many required inspections. We have been forced to limit our prevention activities to the highest risk facilities. This presents a significant risk to the community and to firefighters. The addition of another inspector will greatly improve community safety and firefighter safety.

More Consistent Day-to-Day Operations

The addition of the Assistant Chief (Deputy, non-union) will significantly improve consistency of administrative and operational matters across the four (4) shifts. The District Chiefs will report directly to the Assistant Chief (Deputy, non-union) increasing accountability and improving departmental efficiency.

With the position of Assistant Chief, the department will function the same when the Chief is absent for any amount of time. Currently, there is no way to ensure operations are managed the same each day.

Improved Department Morale

The increased number of promotional opportunities will provide motivation for employees to study and improve their skill sets. This will produce more highly trained personnel which will improve firefighter safety and incident mitigation capability. Increased opportunity for advancement will improve departmental morale and provide employees with opportunities that have not been available.

Restructuring

Civil Service and Union Ratification

Because the fire department currently has four (4) Deputy Chiefs and thirteen (13) Captains, it is not possible to drop down to one (1) Deputy or eight (8) Captains without requiring demotions and Civil Service involvement.

It is recommended that the restructuring plan be implemented in a manner that does not require Civil Service reclassification approval. Thus, I suggest changing current staff’s job functions to facilitate implementation of the plan. Through attrition, the identified positions will be replaced with staff that have been selected off the appropriate future Civil Service list.

Additionally, the Union has ratified the changes in this reorganization. 26

Required Modifications to City Ordinance

The current City Ordinance regulating fire department staffing allows for the following sworn positions:

- Chief (1)
- Deputy Chiefs (4)
- Captains (13)
- Firefighters (80)
- Superintendent of Fire Alarms (1)
- Assistant Superintendent of Fire Alarms (1)
It will be necessary to obtain Municipal Council approval for this restructuring. The modified ordinance would need to be flexible initially as follows:

- Chief (1)
- Assistant Chief (Deputy, non-union) (1)
- District Chiefs (6)
- Captains (12) (*decreasing to 8 through attrition)
- Lieutenants (16)
- Firefighters (80)
- Superintendent of Fire Alarms (1)
- Assistant Superintendent of Fire Alarms (1)

*Specific dates for implementation of attrition will need to be determined.

Executive Summary

Timing is crucial to the successful implementation of change in any organization. The implementation of Engine-4 as an ALS Engine Company and Rescue-4 as a third ambulance has demonstrated that significant change can be successfully implemented within the Attleboro Fire Department.

The following list summarizes the problems identified in this document:

- Lack of company officers on Engine-4, Ladder-1, and Ladder-2
- Insufficient staffing levels on Engine-4, Ladder-1, and Ladder-2
- Unmanageable span-of-control (11-to-1) at incidents
- Insufficient administrative staff to meet daily objectives
- Inefficient departmental management structure
- Inefficient inter-departmental communications
- Lack of a true “second in command”
- Ineffective structure to maintain institutional knowledge
- Insufficient fire prevention staffing leading to inadequate fire code enforcement

Compounding these problems are several other important points to consider:

- The Attleboro Fire Department emergency incident responses have increased by 12% over the last 10 years (6,600 annually now)
- Required inspections continue to increase annually (more than 1,000 annually now)
- EMS personnel routinely transport to Rhode Island Hospital, reducing available personnel for subsequent incident mitigation.
- Modern construction techniques utilize lightweight building construction components that result in fires that spread quicker, burn hotter, and lead to rapid structural failure. Modern buildings may completely fail when exposed to fire for as little as 10 – 15 minutes.
- Responsibilities placed on the fire service continue to increase. The modern fire service is an integral component of homeland security and hazardous materials incident response.

These are just some of the challenges that the fire department must manage.

The beginning of FY2015 presents an important opportunity to implement the previously discussed reorganizational plan. The Fire Department will experience major personnel changes during the next 3 – 5
years. As many as 30 members may retire during this period. Nearly half of the fire department will be replaced by 2018. Implementation of this reorganization plan will address the problems identified in this document.

With careful planning, responsible utilization of financial resources, and progressive “outside the box” thinking, the Attleboro Fire Department can become a model for other communities to emulate.

Respectfully submitted,

Scott T. Lachance
Fire Chief
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