

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010**

**CODE OF THE
TOWN OF STOUGHTON
MASSACHUSETTS, v5**

Updated 07-01-2010

**OFFICIALS
OF THE
TOWN OF STOUGHTON**

Town Hall
10 Pearl Street
Stoughton, Massachusetts 02072
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2010

Board of Selectmen

STEPHEN G. ANASTOS, Chairman
JOHN D. ANDERSON, Vice Chairman

JOHN M. ANZIVINO
JOSEPH M. MOKRISKY
CYNTHIA A. WALSH

Town Manager

FRANCIS T. CRIMMINS, JR.

Town Clerk

CHERYL A. MOONEY,CMC/CMMC

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PREFACE**

PREFACE

The Town of Stoughton has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the ordered the following codification of the Town's legislation was ordered.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Meeting, the Board of Selectmen and the Board of Health of the Town of Stoughton, as well as certain rules, regulations and/or bylaws, adopted by various boards, commissions, departments and/or agencies, which were deemed to be general and permanent in nature and appropriate for inclusion in the volume.

Organization of the Publication

This publication is divided into two major divisions, and the Town Charter. Division 1 contains

the bylaws adopted by the Town Meeting. This Division is further broken down into Parts I and II. Part I, Administrative Legislation, contains all bylaws of an administrative nature, namely, those dealing with the administration of government, those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all bylaws of a regulatory nature. Bylaws in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Division 2 contains the regulations adopted by the Board of Selectmen and all other miscellaneous regulations, such as those adopted by the Board of Health and Planning Board.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where the chapters and articles of the former Code have been included in the 2005 Code.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or

amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER**

THE CHARTER

[HISTORY: Approved at Town Election 3-15-1971, effective 1-1-1972. Amendments noted where applicable.]

GENERAL REFERENCES

**Board of Selectmen -- See Ch. 5.
Town Meetings -- See Ch. 47.
Access to Town Counsel -- See Ch. 205.
Board of Selectmen Rules of Procedure -- See Ch. 254.
School Committee -- See Ch. 311.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers**

ARTICLE 1, Incorporation; Powers

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers / § C1-1.
Incorporation.**

§ C1-1. Incorporation.

The inhabitants of the Town of Stoughton, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Stoughton."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers / § C1-2.
Powers.**

§ C1-2. Powers.

The form of government provided by this Charter shall be known as the Stoughton Selectmen-Manager plan. Pursuant to the provisions of this Charter and subject only to such limitations as may be imposed by the constitution and statutes of the commonwealth, the Town shall have all powers possible for a Town to have under the constitution and statutes of the commonwealth as fully and completely as though they were specifically enumerated in this Charter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers / § C1-3.
Construction.**

§ C1-3. Construction.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this Article.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers / § C1-4.
Intergovernmental relations.**

§ C1-4. Intergovernmental relations.

Subject to the applicable requirements of any provision of the constitution or statutes of the commonwealth, the Town of Stoughton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 1, Incorporation; Powers / § C1-5. Town
Seal.**

§ C1-5. Town Seal.

The Town Seal in existence at the time this Charter is adopted, unless the Town Meeting shall vote to adopt another, shall continue to be the Town Seal and shall be kept in the custody of the Town Clerk. Papers and documents issued from any office or board of the Town may be attested to by use of the said seal.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 2, Precincts**

ARTICLE 2, Precincts

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 2, Precincts / § C2-1. Division of Town.
[Amended 1-17-1977 STM, approved 1977 Annual Town Election]**

§ C2-1. Division of Town. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]

The Registrars of Voters shall divide the Town into convenient voting precincts, in accordance with the laws of the commonwealth, so established as to consist of as nearly equal number of inhabitants as is possible in compact and contiguous territory; bounded insofar as it is possible by the center line of known streets or ways or by other well defined limits.

These boundaries shall be reviewed and, if need be, wholly or partly revised by the Registrars in September once in five years, or in September of any year when directed to do so by vote of the Town Meeting held not later than the twentieth day of August in such year.

The Board of Registrars shall, not later than September fifteenth in the year in which it must make a division, file its report with the Town Clerk setting forth the descriptions of the precincts so established and the names and addresses of the registered voters known to reside therein. A copy of their report shall be posted in the Town hall for public inspection. The Board of Registrars shall also prepare maps which graphically show the precincts which they have established, and these maps shall be posted in the Town shall for public inspection. The Board of Registrars shall also prepare maps which graphically show the precincts which they have established, and these maps shall be published in one or more newspapers having general circulation in the Town, within seven days following the filing of their report. Whenever precincts are established or revised, the Town Clerk shall forthwith give written notice thereof to

the State Secretary, stating the number and designation of such precincts.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 3, Board of Selectmen**

ARTICLE 3, Board of Selectmen

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 3, Board of Selectmen / § C3-1. Elections;
terms; compensation. [Amended 4-30-1979 ATM, approved 1980 Annual Town
Election; 4-28-1980 ATM, approved 1981 Annual Town Election; 12-6-1983 STM,
Art. 43; approved 1985 Annual Town Election]**

**§ C3-1. Elections; terms; compensation. [Amended 4-30-1979 ATM, approved 1980
Annual Town Election; 4-28-1980 ATM, approved 1981 Annual Town Election; 12-6-1983
STM, Art. 43; approved 1985 Annual Town Election]**

The Board of Selectmen of the Town shall consist of five members all of whom shall be elected at large for a term of three years. At the first regular April election of Selectmen under this revision to the Charter the two candidates receiving the greatest number of votes shall be in office for a term of three years, the two candidates receiving the next greatest number of votes shall be in office for a term of two years, and the one receiving the fifth highest number of votes shall be in office for a term of one year. Selectmen shall then be elected as the terms of their office expire for a term of three years.

The Selectmen shall serve until their successors are elected and qualified and may receive an annual compensation as determined by a vote of Town Meeting.

If, unless as the result of a recall election, a vacancy or vacancies occur in the membership of the Selectmen, the remaining members shall call a special Town election to fill the vacancy or vacancies for the unexpired term or terms, unless if a vacancy or vacancies occur with less than eight months to the annual election, and if there are at least four Selectmen remaining in office, the vacancy or vacancies shall remain unfilled until such annual election. A vacancy resulting from a recall election shall be filled as hereinafter provided in this Charter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 3, Board of Selectmen / § C3-2. Powers
and rights.**

§ C3-2. Powers and rights.

It is the intent of this Charter that:

- A. The Selectmen be the highest executive authority of the Town and be responsible for all requirements of Selectmen contained in the Constitution and General Laws of the Commonwealth.
- B. The Selectmen be a policy making and planning body and delegate to the Town Manager administrative duties specified in Article 4.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 3, Board of Selectmen / § C3-3. Duties.**

§ C3-3. Duties.

In addition to performing such duties as may be required to form general policies and plans, the Selectmen shall:

- A. Be responsible for the formation of a fiscal and program plan setting forth intended accomplishments of all town departments for a period of three years, by year, and the expenditures estimated to be required to attain these accomplishments. Expenditures shall be classified by those required for department operation and those required for capital outlay. The plan shall also specify the sources from which it is anticipated that funds to meet expenditures will be obtained. This plan shall be published annually in the town report.
- B. Be responsible for the preparation of the annual Town government budget and, except for schools, submission of that budget on or before the third Tuesday in January to the Town Meeting Committee on Finance and Taxation for approval by Town Meeting Representatives. The Selectmen shall make an annual report, which shall be published as part of the annual Town report, setting forth the matters considered by them during the fiscal year preceding that in which the report is published and making such recommendations as appear to be necessary or appropriate respecting the finances of the Town and the measures to be taken with reference thereto. The Selectmen shall place in the annual report a statement of the past year's accomplishments of each department.
- C. Appoint a Town Manager who shall be known as a Town Manager, who shall, except as otherwise herein expressly provided, be the administrative head of all departments of the Town, the conduct of which is by the General Laws, the Constitution, or this Charter placed upon the Selectmen. He shall be subject to the direction and supervision and shall hold office at the will of the Selectmen and shall be a person specially fitted by education, training, and

experience to perform the duties of said office. He shall be chosen irrespective of his political opinions and must take up residence in the Town within one year of his appointment unless excused from this requirement by the Selectmen. During the time he holds such appointment, he will hold no other elective or appointive office nor will he be engaged in any other business or occupation except that he may accept payment for advice or consultation offered by any legal person or entity, with prior permission by the Selectmen. He shall be responsible for the efficient administration of all departments within the scope of his duties. Before entering upon the duties of his office, he shall be sworn to the faithful and impartial performance thereof by the Chairman of the Selectmen, by the Town Clerk, or by a Justice of the Peace.

- D. Appoint six Library Trustees, each of whom shall have a term of three years. Two Library Trustees shall be appointed for a three-year term, two for a two-year term and two for a one-year term by the Selectmen elected at the first regular April election held under this Charter. Subsequent appointments shall be for three-year terms as Trustee's terms of office expire.
- E. Appoint three suitable persons as Assessors who shall hold no elective office in the Town of Stoughton and who, upon their appointment and qualifications, shall organize for the proper conduct of their duties. Assessors shall be appointed for three-year terms. One Assessor shall be appointed for a term of three years, one for two years, and one shall be appointed for a term of one year by the Selectmen elected at the first regular April election under this Charter. Assessors shall subsequently be appointed for terms of three years as their appointments expire. If for any reason a vacancy occurs in the membership of the Assessors, the vacancy shall be filled forthwith by appointment of the Selectmen for the unexpired term. The Assessors shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon Assessors of towns. Before entering their office, the Assessors shall be sworn to the faithful performance of their duties.
- F. Appoint a suitably qualified person to the office of Town Clerk. The Town Clerk shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by the law upon Town Clerks. The Town Clerk shall serve at the will of the Selectmen and shall be sworn to the faithful performance of his duties by the Chairman of Selectmen or by a Justice of the Peace. In case of vacancy in the office of the Town Clerk, the Selectmen shall forthwith appoint a person to fill the vacancy. Should the present Town Clerk who was previously granted tenure be holding office at the time this Charter is adopted she will retain the tenure of office previously granted by Town election.
- G. Appoint the members of the Zoning Board of Appeals, the members of the Planning Board, the Chief of Police, the Sealer of Weights and Measures, and the Weigher, the Constables, the Registrars of Voters, the members of the Council on Aging, the members of the Industrial Commission, the Veteran's Agent, the Town Counsel and the Town Accountant. The Town

Accountant shall be an office separate and distinct from the Town Clerk and shall be filled by a separate person. The Planning Board shall have five members each of whom shall be appointed for a five-year term. One member of the Planning Board shall be appointed for five years, one for four years, one for three years, one for two years, and one for one year by the Selectmen elected at the first regular April election held under this Charter. Members shall subsequently be appointed for five-year terms as their terms of office expire. All other appointees to offices listed in this paragraph shall serve at the will of the Selectmen.

[Amended Laws 1993, c. 250; 5-15-2002 ATM, Art. 21; approved 2003 Annual Town Election]

- H. Be the Water and Sewer Commissioners of the Town.
- I. Be the licensing board for the sale of alcoholic beverages in the Town.
- J. Have the right to make the investigations and may authorize the Town Manager to investigate the operations of the Town and the conduct of any Town department, office, or agency, including any doubtful claims against the Town, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Selectmen shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 4, Town Manager**

ARTICLE 4, Town Manager

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 4, Town Manager / § C4-1. Intent.
[Amended 11-17-1981 STM, approved 1982 Annual Town Election]**

§ C4-1. Intent. [Amended 11-17-1981 STM, approved 1982 Annual Town Election]

It is the intent of this Charter that the Town Manager be the chief administrative officer in the executive branch of the Stoughton Town government and that he carry out the policies and plans set forth by the Selectmen. The Town Manager shall serve at the will of the Selectmen except that a vote of a majority, plus one, of the full membership of Selectmen shall be required to discharge him. In the event of his discharge, he may request a public hearing at which hearing the Selectmen must set forth their reasons for discharging him and he may respond to these

reasons if he desires.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 4, Town Manager / § C4-2. Powers and
duties.**

§ C4-2. Powers and duties.

The powers and duties of the Town Manager shall include the following:

- A. In accordance with the provisions of this Charter and except as otherwise expressly prohibited by the General Laws, to organize and reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part; to establish such new departments, commissions, boards, or offices as he deems necessary, and to transfer the duties, powers and appropriation of one department, commission, board or office to another. All appointments to offices, boards, and commissions not specifically made under the power and the duty of the Selectmen by this Charter and by the School Committee under General Laws shall be made by the Town Manager.
- B. To prepare the Selectman's three-year fiscal period and program plan and submit it to them at least ninety days before the town meeting. In preparing the plan, he shall incorporate as directed by the selectmen policies and assumptions adopted by them.
- C. To appoint upon merit and fitness alone and to remove at his will all subordinate officers, employees, and members of boards and commissions under his control and to fix their compensation; except as otherwise provided by civil service rules and procedures, or the General Laws.
- D. To attend such regular or special meetings of the Selectmen as they may require.
- E. To keep full and complete records of the doings of his office, to render reports as often as may be required by the Selectmen, and annually or oftener if required by the Selectmen, to make a synopsis of all reports for publication.
- F. To prepare an estimate in writing of the probable amount required for the expenditures of the Town for the next ensuing fiscal year, stating in detail the amounts of maturing bonds or notes, the amount required for interest or other outstanding indebtedness of the Town, the amount necessary to be provided by each fund and for each department, and the accomplishments expected. He shall keep the Selectmen fully advised as to the needs of the Town within the scope of his duties, and furnish them on or before the thirty-first day of

December each year a careful, detail budget.

- G. To keep in repair the Town Library and all other Town buildings, except school buildings, which he may repair only upon request in writing of the School Committee.
- H. To purchase all supplies for every department of the Town, except books for the schools or the public library. He may delegate the responsibility to purchase supplies to an authorized representative and may revoke such delegation at his will.
- I. To perform such other duties, consistent with his office, as may be required of him by the bylaws of the Town or by vote of the Selectmen.
- J. To have control over all Town agencies, not specifically allocated by this Charter or applicable state statutes to any elected board or officer.
- K. To examine or cause to be examined, with or without notice, the affairs of any division or department under his control, or the conduct of any officer or employee thereof; and for that purpose, he shall have access to all Town books and papers for the information necessary for the proper performance of his duties.
- L. To administer the public health program of the Town as established by its bylaws and the General Laws. The Town Manager shall appoint a Board of Health of five members who shall be appointed to three-year terms of office as their term of office expires. The Board shall advise him on matters of public health and upon questions bearing upon the public health of the inhabitants of the Town. [Amended 6-10-1974 STM, approved 1975 Annual Town Election; 6-23-1975 STM, approved 1976 Annual Town Election; 4-30-1979 ATM, approved 1980 Annual Town Election]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 4, Town Manager / § C4-3. Absence of
Town Manager.**

§ C4-3. Absence of Town Manager.

The Town Manager shall appoint a person from his department heads to act for him when he is absent from his office for twenty-one days or less. The Selectmen shall appoint a person to act for the Town Manager in the event that he is absent for more than twenty-one days. No person appointed by the Town Manager to act for him in his absence shall serve more than twenty-one days without approval by the Selectmen.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / THE CHARTER / ARTICLE 5, School Committee

ARTICLE 5, School Committee

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 5, School Committee / § C5-1. Election;
terms; compensation.**

§ C5-1. Election; terms; compensation.

The School Committee of the Town shall consist of five members who shall be elected at large for a term of three years. Of the members elected at the first regular April election under this Charter, the two receiving the greatest number of votes cast shall serve for three years, the next two shall serve for two years, and the one receiving the fifth highest number of votes cast shall serve for one year. In subsequent elections, as their terms of office expire, members shall be elected for three-year terms.

School Committee members may receive compensation, if any shall be authorized by state statute, provided an appropriation is made for that purpose. They may also receive the actual and necessary expenses incurred by them in the performance of their duties within the limits of an appropriation made for that purpose and subject to such standards as may be established by rule or by bylaw. No sums for salary as may be authorized are to be construed as being within the scope of Section 34, Chapter 71, of the General Laws.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 5, School Committee / § C5-2. Powers
and duties.**

§ C5-2. Powers and duties.

The school committee shall have all of the powers and duties school committees may have under the constitution and general laws of the Commonwealth which are not specifically assigned to some other office by this charter, and shall submit the school department budget to the town manager on or before the thirty-first day of December for inclusion in the annual town government budget.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 5, School Committee / § C5-3. Filling**

vacancies.

§ C5-3. Filling vacancies.

School Committee vacancies shall be filled by a majority vote of a joint meeting of the Selectmen and the School Committee, with at least a quorum of each group present and voting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 6, Housing Authority and Redevelopment
Authority**

ARTICLE 6, Housing Authority and Redevelopment Authority

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 6, Housing Authority and Redevelopment
Authority / § C6-1. Election; terms; compensation.**

§ C6-1. Election; terms; compensation.

Both the Housing Authority and Redevelopment Authority shall consist of five members who shall serve for a term of five years. In accordance with Chapter 751 of the Acts of 1969, four members of each authority shall be elected at large by registered voters of the Town. The member receiving the highest number of votes cast at the first regular April election under this Charter shall be elected for a five-year term, the next for four years, the next for two years, and the next for one year. Members shall subsequently be elected for five-year terms as their terms of office expire.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 6, Housing Authority and Redevelopment
Authority / § C6-2. Powers; duties; compensation.**

§ C6-2. Powers; duties; compensation.

Members of the Housing Authority and the Redevelopment Authority shall have the powers and duties set forth in Chapter 751 of the Acts of 1969, and shall be compensated in accordance with provisions set forth in that chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting**

ARTICLE 7, Representative Town Meeting

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-1.
Annual and Special Town Meetings. [Amended 4-29-1974 ATM, approved 1975
Annual Town Election; 4-28-1980 ATM, approved 1981 Annual Town Election;
Laws 1990, c. 91, approved 1991 Annual Town Election; 5-14-2001 STM, Art. 39,
approved 2002 Annual Town Election]**

**§ C7-1. Annual and Special Town Meetings. [Amended 4-29-1974 ATM, approved 1975
Annual Town Election; 4-28-1980 ATM, approved 1981 Annual Town Election; Laws 1990,
c. 91, approved 1991 Annual Town Election; 5-14-2001 STM, Art. 39, approved 2002
Annual Town Election]**

The Annual Town Meeting shall be held on the first Monday in May. The Board of Selectmen shall insert all articles into the warrant for the Annual Town Meeting which bear signatures of 10 or more registered voters of the Town. The Annual Town Meeting warrant shall close to petitioned and budget articles on December 31 of the year previous to the Annual Town Meeting. The warrant shall remain open to the Board of Selectmen until the first Tuesday in February.

The Board of Selectmen may call a Special Town Meeting at any time. The warrant for Special Town Meetings will remain open for at least seven days from the call of the meeting. At least forty-two days must pass between the close of the warrant for Special Town Meetings and the holding of such meetings. Inhabitants of the Town of Stoughton may, on their initiative, petition to have an Article placed for consideration by Town Meeting Representatives at Special Town Meetings. Petitions formed for this purpose must contain at least one hundred signatures by registered voters of the Town. The Board of Selectmen is required to call a Special Town Meeting upon receipt of a petition formed by inhabitants of the Town containing at least two hundred signatures of registered voters.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-2.
Town Moderator: election, duties.**

§ C7-2. Town Moderator: election, duties.

The Moderator of the Town Meeting shall serve for a term of one year. He shall be Moderator of all Town Meetings, except as otherwise provided by law, until his successor is qualified. Nominations for Moderator and his election shall be as in the case of other elective Town officers and any vacancy in such office shall be filled by the Deputy Town Moderator until the next regularly scheduled election. The Moderator shall not have a vote on Articles brought before the Town Meeting except to create a tie vote or break a tie vote of Town Meeting Representatives.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-3.
Compensation. [Amended 4-30-1984 ATM, Art. 42, approved 1985 Annual Town
Election]**

**§ C7-3. Compensation. [Amended 4-30-1984 ATM, Art. 42, approved 1985 Annual Town
Election]**

The moderator may receive an annual compensation as determined by a vote of town meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-4.
Deputy Town Moderator: election and duties.**

§ C7-4. Deputy Town Moderator: election and duties.

A Deputy Town Moderator shall be elected by the Town Meeting Representatives at the organizational meeting to preside over the Town Meeting in the absence of the Moderator. He shall be a member of the Rules Committee of the Town Meeting, but shall not be a voting member of that committee unless the Moderator is absent from a meeting, in which case the Deputy Town Moderator shall vote in his place. In the event the position of Deputy Town Moderator becomes vacant, the Town Meeting Representatives shall, as the first order of business at the next regular or Special Town Meeting, elect a new Deputy Town Moderator to fill the unexpired term.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-5.
Town Meeting Representatives. [Amended 1-17-1977 STM, approved 1977 Annual**

Town Election]

§ C7-5. Town Meeting Representatives. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]

There shall be elected from each voting precinct twenty-one Town Meeting Representatives, all of whom shall be eligible to vote at Town Meetings. The Town Meeting Representatives shall be elected for a term of three years by registered voters of each precinct. At the first regular Town election held after voting precincts have been established by the Registrars of Voters, in accordance with the provisions of Article 2 of this Charter, the seven elected Town Meeting Representatives from each precinct receiving the highest number of votes shall serve for a term of three years, the next highest seven shall serve for two years, and the next highest shall serve for one year. Town Meeting Representatives shall then be elected as their terms of office expire for three-year terms. The Town Clerk, shall, after the election of Town Meeting Representatives, notify by mail each such member of his election.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting /
§ C7-6.1. Vacancies among Town Meeting Representatives. [Amended
5-4-2009STM, Art. 59, approved 2010 Annual Town Election; Laws 2010, c. 111]**

§ C7-6.1. Vacancies among Town Meeting Representatives. [Amended 5-4-2009STM, Art. 59, approved 2010 Annual Town Election; Laws 2010, c. 111]

In the event of any vacancy in the full number of elected town meeting representatives from any precinct, the remaining elected representatives of the precinct shall choose from among the registered voters thereof a successor to serve until the next annual election. The town clerk shall call a special meeting of the remaining representatives from such precinct for the purpose of filling such vacancy. The town clerk shall mail notice of the special meeting to each representative from the precinct specifying the objective, time and place of such meeting. The meeting shall be held not less than 4 days after mailing of such notice and not less than 14 days before convening of the regular or a special town meeting during which the vacancy is to be filled.

At such meeting, a majority of the remaining representatives shall constitute a quorum. The election to fill such vacancy shall be by ballot and the candidate or candidates receiving the greatest number of votes cast shall be deemed elected and shall be notified by the precinct clerk.

The precinct clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the representative or representatives elected who shall thereupon be deemed elected and qualified as town meeting representatives, subject to the right of all the town

meeting representatives to judge of the election and qualification of the representatives.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting /
§ C7-6.2. Election by Ballot for Town Meeting Representative. [Added Laws 2010,
c. 111]**

§ C7-6.2. Election by Ballot for Town Meeting Representative. [Added Laws 2010, c. 111]

The town clerk shall determine the number of full terms and the number of partial terms to be elected to the office of town meeting representative. The ballot shall indicate the total number of town meeting representatives to be elected, the number of full terms to be filled, and the number and term of years of partial terms to be filled, and the candidates shall be listed together on the ballot as required by section 8-5. The ballot shall also include such directions as shall aid the voter relative to the manner of election provided for in this section. At the close of the election, in descending order, the candidates receiving the highest number of votes shall be elected to the 3-year terms to be filled at the election, the candidates receiving the next highest number of votes shall be elected to the 2-year terms to be filled at the election and after those vacancies are filled, the candidates receiving the next highest number of votes shall be elected to the 1-year terms to be filled at the election.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-7.
Attendance and publication. [Amended 5-4-2009 STM, Art. 60, approved 2010
Annual Town Election]**

**§ C7-7. Attendance and publication. [Amended 5-4-2009 STM, Art. 60, approved 2010
Annual Town Election]**

The Town Clerk shall post in the Town Hall and shall publish in a local newspaper or publish on the official town website a list of Town Meeting Representatives present and a list of Town Meeting Representatives absent from all Annual and Special Town Meetings by sessions within thirty (30) days of the dissolution of each meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-8.
Powers and duties.**

§ C7-8. Powers and duties.

All powers of the Town shall be vested in the Representative Town Meeting, except as otherwise provided by law or by this Charter. The Representative Town Meeting shall provide for the exercise of the powers of the Town and for the performance of all duties and obligations imposed upon the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-9.
Rules for conduct of Town Meetings.**

§ C7-9. Rules for conduct of Town Meetings.

General rules for conduct of the Town Meeting shall be chosen by the Town Meeting Representatives at their annual organizational meeting. Rules and procedures for speaking shall be determined from time to time and shall be applied to all speakers, whether they are Town Meeting Representatives or inhabitants of the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-10.
Town Meetings generally.**

§ C7-10. Town Meetings generally.

All Town Meetings shall be public. The Town Clerk shall notify the Town Meeting Representatives of the time and place at which the Representative Town Meetings are to be held and shall send the notices by mail at least seven days before the meeting. A majority of the Town Meeting Representatives shall constitute a quorum for doing business; but a lesser number may organize temporarily and may adjourn from time to time. Any inhabitant of the Town who is not a Town Meeting Representative may speak at any Representative Town Meeting but shall not vote.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-11.
Organizational Town Meeting.**

§ C7-11. Organizational Town Meeting.

An Organizational Town Meeting shall be held by Town Meeting Representatives on the Thursday preceding the Annual Town Meeting for the purposes only of electing Chairmen and Clerks of the precinct delegations, electing the Deputy Town Moderator, and adopting Town Meeting rules and procedures.

The first order of business at the Organizational Town Meeting shall be the election of Chairmen and Clerks for the precinct delegations. Each precinct delegation shall elect a Chairman and Clerk. A quorum of precinct Representatives must be present for the election of these officers, and the candidate who receives the greatest number of votes shall be deemed elected.

The second order of business at the organizational meeting shall be the election of the Deputy Town Moderator. He shall be elected in the manner set forth in § C7-4 of this Charter.

The third and final order of business at the Organizational Town Meeting shall be the adoption of rules and procedures governing the conduct of the Representative Town Meeting.

The Town Clerk shall notify Town Meeting Representatives of the organizational meeting at least seven days before it meets.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-12.
Compensation of Town Meeting Representatives.**

§ C7-12. Compensation of Town Meeting Representatives.

Town Meeting Representatives shall serve without remuneration but may receive reimbursement for the actual and necessary expenses incurred in the performance of their duties.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-13.
Nonvoting members of Town Meeting.**

§ C7-13. Nonvoting members of Town Meeting.

The presence at all Annual and Special Town Meetings is required of the Chairman of the Board of Selectmen, the Chairman of the School Committee, and the Chairman of the Committee on Finance and Taxation if he is not an elected Town Meeting Representative, the Town Manager, the Town Counsel, the Superintendent of Schools, and the Town Engineer. These officers shall have all of the rights and privileges of Town Meeting Representatives except they shall not have the right to vote on any Article.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-14.
Town Meeting standing committees.**

§ C7-14. Town Meeting standing committees.

- A. There shall be a Town Meeting Committee on Rules consisting of the Moderator, who shall be Chairman, the Deputy Moderator ex officio, and each Precinct Chairman. All warrant Articles shall first be referred to the Committee on Rules which shall subsequently refer the Article to the appropriate standing committee or committees for public hearing and recommendation to the Town Meeting. Standing committees must deliver all warrant Articles referred to them to the Town Meeting for action on the floor. No floor action may be taken at Town Meetings without a public hearing and a standing committee report on the Article.
- B. Other standing committees of Town Meeting shall include and be limited to the following:
- (1) A Committee on Finance and Taxation which shall prepare the budget Article. This Committee shall consist of nine members who shall be appointed by the Moderator from the registered voters of the Town and one member elected annually by and from each precinct delegation at the Organizational Town Meeting. The nine appointed members shall serve for three-year terms. The Moderator, at the first Organizational Town Meeting held under this Charter, shall appoint three Committee members for three year terms, three for two year terms, and three for one year terms. All members of the Committee will serve until their replacements are duly qualified, but no member shall serve for more than nine years. Any member of the Committee who shall be appointed or elected to Town office or a committee or board other than the Personnel Board shall upon his qualification in such office, or any member who shall remove from the Town shall upon such removal, cease to be a member of the Committee. Members absent from one-third of the regular meetings in any calendar year may be removed by a two-thirds vote of the other members, present and voting. The Committee shall choose its own officers. The members of the Committee shall serve without salary. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]

The Committee may employ, subject to an appropriation, an Executive Secretary.

In the event of any vacancy in its membership, the Committee shall notify the Moderator and the moderator shall arrange to have the vacancy filled. He shall appoint a new member if the vacancy is from his appointments. Precinct delegations shall elect members from among Town Meeting Representatives in their precinct when the vacancy is from their number. If a Committee member who is a Town Meeting Representative moves to another precinct in the Town, he shall continue as a Committee member until the next annual Organizational Town Meeting, at which time the precinct delegation from the precinct he vacated will elect another member in his place to fill the unexpired term.

The Committee shall distribute a report to each of the Town Meeting Representatives at least fourteen days in advance of a Town Meeting. Its recommendations shall be those of a majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority. The report shall state the total amount of the appropriations recommended by it on the entire warrant and the approximate tax rate based on such recommendations. The report for the Annual Town Meeting shall contain a statement of the business of the Committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town. It may issue recommendations on referenda and other matters on any ballot other than the choices of individuals for offices.

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

The various Town boards, officers and committees charged with the expenditure of Town funds shall, not later than the thirty-first of December of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the Town Manager who shall at once transmit the same to the Selectmen.

The Committee shall duly consider the estimates and statements filed by the Town boards, officers, and committees, and may confer with said boards, officers, and committees and hold hearings. The Committee shall thereupon recommend such sums and in such division of items as it considers necessary and convenient. It shall place the recommendations of the Selectmen on the budget Article in a way that they may be easily compared with its own.

- (2) A Committee on Municipal Regulations which shall study and report on Articles and bylaws and zoning regulations of the Town. This Committee shall consist of Town Meeting Representatives who shall serve for terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairman of each precinct delegation. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]
- (3) A Committee on Municipal Operations which shall study and report on Articles that affect functions performed by offices and departments of Town government. This Committee shall consist of Town Meeting Representatives who shall serve terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairman of each precinct delegation. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]
- (4) A Committee on Intergovernmental Relations which shall study and report on Articles which affect the relations of the Town with other municipalities, regional government bodies, and agencies of county, state, and federal government. This Committee shall consist of Town Meeting Representatives who shall serve for terms of one year. One member shall be appointed at large by the Moderator, and one member shall be appointed by the Chairman of each precinct delegation. [Amended 1-17-1977 STM,

approved 1977 Annual Town Election]

- C. The Moderator shall designate a temporary chairman to organize each standing committee. Committee vacancies shall be filled by the Moderator except as otherwise provided for in this Article. No Town Meeting Representative may serve on more than one standing committee of the Town Meeting at one time.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-15.
Temporary committees of Town Meeting.**

§ C7-15. Temporary committees of Town Meeting.

The Town Meeting shall appoint additional committees as it deems fit to facilitate its business.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-16.
Availability of Town officials and employees at Town Meeting.**

§ C7-16. Availability of Town officials and employees at Town Meeting.

The Town Meeting or a duly authorized committee of Town Meeting may require the attendance at any of its meetings of elected or appointed Town officers, of members of boards, commissions, committees or agencies of Town government, or of Town employees to provide it with information and materials pertaining to matters appearing on its current agenda. The head of each department shall be available for attendance at the Town Meetings or shall designate a deputy to respond for him in the event he must be absent due to illness or another reasonable cause.

No less than seven days' notice to appear shall be given to any person required to appear before the Town Meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 7, Representative Town Meeting / § C7-17.
Membership of Town officials on Town Meeting committees.**

§ C7-17. Membership of Town officials on Town Meeting committees.

Any Town official whether elected or appointed and any member of a Town board, commission, or committee may serve on a committee of the Town Meeting except for standing committees set

forth in § C7-14.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections**

ARTICLE 8, Elections

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-1. Time of elections.
[Amended 4-24-1972 ATM, approved 1973 Annual Town Election; Laws 1998, c.
445; approved 1999 Annual Town Election]**

**§ C8-1. Time of elections. [Amended 4-24-1972 ATM, approved 1973 Annual Town
Election; Laws 1998, c. 445; approved 1999 Annual Town Election]**

Regular Town elections for the elective offices specified in this Charter and for other elective offices as required by the General Laws shall be held 27 days before the Annual Town Meeting. The polls shall not close before 8:00 p.m.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-2. Preliminary
elections. [Amended 9-30-2009 STM, Art. 10, approved 2010 Annual Town
Election]**

**§ C8-2. Preliminary elections. [Amended 9-30-2009 STM, Art. 10, approved 2010 Annual
Town Election]**

Except for the election of Town Meeting Representatives, in the event that there are more than three candidates for each office to be filled, a preliminary election will be held forty-nine days before the regular Town elections. The two candidates receiving the greatest number of votes will be eligible to run for that office and will be placed on the ballot for Town officers at the regular election. No preliminary election will be required for Town Meeting Representatives.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-3. Polling places.
[Amended 1-17-1977 STM, approved 1977 Annual Town Election]**

§ C8-3. Polling places. [Amended 1-17-1977 STM, approved 1977 Annual Town Election]

A polling place shall be made available in each of the precincts for all elections.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-4. Nomination papers;
time of filing; signatures. [Amended 4-30-1979 ATM, approved 1980 Annual Town
Election]**

**§ C8-4. Nomination papers; time of filing; signatures. [Amended 4-30-1979 ATM,
approved 1980 Annual Town Election]**

Nomination papers for elected Town offices other than Town Meeting Representatives must be filed with the Board of Registrars thirty-five days prior to the date of the preliminary Town election and with the Town Clerk twenty-eight days prior to the date of the preliminary Town election and shall be signed by not less than one hundred registered voters of the Town, increased by one-fifth thereof. Nomination papers for the office of Town Meeting Representative must be filed with the Board of Registrars thirty-five days prior to the annual Town election and with the Town Clerk twenty-eight days prior to the annual Town election. Incumbents seeking re-election may designate only the word "re-election" on their nomination papers and on the ballot.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-5. Position on ballot
for Town offices. [Amended Laws 1984, c. 267, approved 1985 Annual Town
Election]**

**§ C8-5. Position on ballot for Town offices. [Amended Laws 1984, c. 267, approved 1985
Annual Town Election]**

The names of candidates for town office shall be placed in numerical sequence based upon a random number drawn by the candidate or his representative at the time of filing nomination papers. This number shall be affixed to the nomination papers of the candidate in his presence or in the presence of his representative by the town clerk. Candidates for the final election that have been nominated in a preliminary election shall draw for their ballot position on the day following the preliminary election. In the event the candidate or his representative cannot be present for this drawing of ballot position, the town clerk shall draw for the candidate.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-6. Restrictions on
offices. [Amended 4-28-1980 ATM, approved 1981 Annual Town Election]**

**§ C8-6. Restrictions on offices. [Amended 4-28-1980 ATM, approved 1981 Annual Town
Election]**

Except as indicated in this Charter, no elected or appointed official may hold more than one Town office recognized and established by this Charter. Elected or appointed Town officials shall be defined as follows:

- A. Elected officials: one elected by ballot to a Town office established by this Charter, or to a Town board, Town authority, or Town commission established by the General Laws.
- B. Appointed official: one appointed by an elected official, elected board, or appointed by the Town Manager to an appointed Town office specifically established by this Charter, or to a Town board, Town authority, or Town commission established by the General Laws.

Charter Commissioners may be elected or appointed from any of the registered voters of the Town, whether they are candidates for another Town office or an incumbent elected or appointed official. A Charter Commission shall mean a commission established by state statute or referendum organized for the purpose of revising or creating a Charter for the Town of Stoughton.

Federal, state, county, or regional elected or appointed officials shall not be considered as disqualified to be elected or appointed to any Town office established by this Charter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-7. Restriction on
election. [Amended 4-28-1980 ATM, approved 1981 Annual Town Election]**

**§ C8-7. Restriction on election. [Amended 4-28-1980 ATM, approved 1981 Annual Town
Election]**

No person may be a candidate for more than one Town government office at each election, except as a candidate for a Charter Commission, as defined in § C8-6.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-8. Election of Town
Meeting Representatives. [Amended 4-30-1979 ATM, approved 1980 Annual Town
Election; 5-7-2007 ATM, Art. 59, approved 2008 Annual Town Election]**

**§ C8-8. Election of Town Meeting Representatives. [Amended 4-30-1979 ATM, approved
1980 Annual Town Election; 5-7-2007 ATM, Art. 59, approved 2008 Annual Town
Election]**

Nomination of candidates for town meeting representatives shall be from among the registered voters of the precinct. Nomination papers shall bear no political designation, and shall be signed by not less than fifteen qualified registered voters of the precinct in which the candidate resides to have the candidate's name to be placed on the ballot. No nomination papers will be valid in respect to any candidate to which this section applies, unless written acceptance is endorsed thereon or attached thereto. No person shall be elected to the office of town meeting representative by write-in votes, unless having received a minimum of twelve votes; and has signed, and returned within three days of issuance, an acceptance of notification of election issued by the Town Clerk or by the Board of Registrars of Voters.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 8, Elections / § C8-9. Date new officials
take office.**

§ C8-9. Date new officials take office.

Elected Town officials shall take office two days after the regular Town election.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers**

ARTICLE 9, Recall of Elective Officers

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-1.
Holders of office may be recalled.**

§ C9-1. Holders of office may be recalled.

Any holder of an elective office may be recalled, and removed therefrom by the qualified voters of the Town as herein provided.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-2.
Recall; petition; preparation; filing.**

§ C9-2. Recall; petition; preparation; filing.

Any qualified voter of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Selectmen, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by five percent of registered voters, and to every signature shall be added the place of residence of the signer, giving street and number. The recall petition shall be submitted by the Town Clerk at or before 4:30 o'clock in the afternoon of the day following the day on which it must be filed to the Registrars of Voters in the Town, and the Registrars shall forthwith certify thereon the number of signatures which are names of voters of the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-3.
Resignation of officer; election as to recall.**

§ C9-3. Resignation of officer; election as to recall.

If the petition shall be found and certified by the Town Clerk to be sufficient, he shall submit it with his certificate to the Selectmen without delay. The Selectmen shall forthwith give written notice to said officer of the receipt of said certificate and, if the officer sought to be removed does not resign within five days, shall order an election to be held on a Tuesday fixed by them

not less than twenty-five days after the date of the Town Clerk's certificate that a sufficient petition is filed. If any other Town election is to occur within sixty days after the date of said certificate the Selectmen may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-4.
Officer being recalled may be candidate.**

§ C9-4. Officer being recalled may be candidate.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-5.
Incumbent to continue duties until recalled.**

§ C9-5. Incumbent to continue duties until recalled.

The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in § C9-7. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-6.
Form of ballots for recall.**

§ C9-6. Form of ballots for recall.

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

For the recall of (name of officer).

Against the recall of (name of officer).

Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidate(s); the candidate(s) receiving the greatest number of votes shall be deemed elected.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-7.
Limitations on petitions.**

§ C9-7. Limitations on petitions.

No recall petition shall be filed against an officer within three months after he takes office, nor, in the case of an office subjected to a recall election and not removed thereby, until at least three months after that election.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 9, Recall of Elective Officers / § C9-8.
Prohibition against appointment of recalled officer.**

§ C9-8. Prohibition against appointment of recalled officer.

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed to any Town office within two years after such removal by recall or resignation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 10, General Provisions Relating to Town
Officers**

ARTICLE 10, General Provisions Relating to Town Officers

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 10, General Provisions Relating to Town
Officers / § C10-1. Resignation of Town officers.**

§ C10-1. Resignation of Town officers.

Any person holding an appointive office may resign his office by filing a resignation with the Town Clerk, and such resignation shall be effective immediately, unless a time certain is specified therein when it shall take effect. The Selectmen or Town Manager, whoever makes the appointment, may under the provisions of the following section remove at once an appointive Town officer whose resignation is made to take effect in the future if they see fit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 10, General Provisions Relating to Town
Officers / § C10-2. Removal of appointed Town officers and members of boards
and commissions.**

§ C10-2. Removal of appointed Town officers and members of boards and commissions.

The Selectmen, Town Manager, or School Committee may remove from office any Town officer whose appointment by them is specifically authorized by this Charter. The reason for such removal shall be set forth in detail to the Town officer removed and shall be communicated to him in writing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 10, General Provisions Relating to Town
Officers / § C10-3. Salaries and compensation of appointed officers.**

§ C10-3. Salaries and compensation of appointed officers.

Appointed Town officers shall receive such compensation for their services as the Selectmen, Town Manager, or School Committee, whoever appointed them, shall determine; but not exceeding the amounts appropriated for these salaries by the Town, and not inconsistent with salaries determined by collective bargaining contracts, civil service regulations, or the General Laws.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 11, When Appropriation Effective;**

Referendum

ARTICLE 11, When Appropriation Effective; Referendum

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / THE CHARTER / ARTICLE 11, When Appropriation Effective; Referendum / § C11-1. When appropriation effective; referendum.

§ C11-1. When appropriation effective; referendum.

A vote passed at any Representative Town Meeting authorizing the expenditure of any sum, as an appropriation other than Town charges, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within such five days, a petition signed by not less than five percent of the registered voters, containing their names and addresses as they appear on the list of registered voters, is filed with the Selectmen requesting that the question or questions involved in such vote be submitted to the voters of the Town, then the Selectmen, within fourteen days after the filing of the petition shall call a special election which shall be held within ten days after the issuing of the call, for the purpose of presenting to the voters at large the question or questions so involved. The polls shall be opened at eleven o'clock in the morning and shall be closed not earlier than eight o'clock in the evening. All votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the same manner as in the election of Town officers. The questions so submitted shall be determined by vote of the same proportion of voters voting thereon as would have been required by law of Town Meeting members had the question been finally determined at a Representative Town Meeting. The questions shall be stated upon the ballot in the same language and form in which they were stated when finally presented to the Representative Town Meeting by the Moderator as appears from the records of the meeting.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / THE CHARTER / ARTICLE 12, Rights of Inhabitants

ARTICLE 12, Rights of Inhabitants

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / THE CHARTER / ARTICLE 12, Rights of Inhabitants / § C12-1. Accessibility of officials.

§ C12-1. Accessibility of officials.

Recognizing that the government of the Town exists to serve its inhabitants, it shall be the policy of the government to make every reasonable effort to establish and maintain accessibility of elected and appointed officials, to provide quickly and effectively information at convenient hours, and to offer the services of Town government in an efficient and equitable manner.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 13, Relation of Charter to Town Bylaws,
Rules, Regulations, Orders and Special Laws**

**ARTICLE 13, Relation of Charter to Town Bylaws, Rules, Regulations, Orders and
Special Laws**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 13, Relation of Charter to Town Bylaws,
Rules, Regulations, Orders and Special Laws / § C13-1. Conflicting provisions.**

§ C13-1. Conflicting provisions.

Where provisions of this Charter conflict with provisions of Town bylaws, rules, regulations, orders, and special laws the Charter provisions shall govern. All provisions of Town bylaws, rules, regulations, orders, and special laws not superseded by this Charter shall remain in force.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 14, General Provisions**

ARTICLE 14, General Provisions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 14, General Provisions / § C14-1.
Severability.**

§ C14-1. Severability.

If any provisions of this Charter are held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 14, General Provisions / § C14-2. Specific provisions shall prevail.**

§ C14-2. Specific provisions shall prevail.

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 14, General Provisions / § C14-3.
Publication of bylaws.**

§ C14-3. Publication of bylaws.

The Town Manager shall, at five-year intervals, cause to be prepared and published a recodification of all existing bylaws of the Town. Copies of the said bylaws shall be made available in suitable form in the office of the Town Clerk. A charge not to exceed the actual cost per copy of reproduction may be charged.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions**

ARTICLE 15, Transitional Provisions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-1.
Continuation of bylaws.**

§ C15-1. Continuation of bylaws.

All bylaws, resolutions, rules, regulations, and votes of the Town Meeting which are in force at the time this Charter is adopted, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed, including bylaws, if any, which have been passed and have been approved by the Attorney General but have not yet been published.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-2.
Continuation of government.**

§ C15-2. Continuation of government.

All committees, commissions, boards, departments, officers, and other agencies of the Town shall continue to perform their duties until reappointed, re-elected, or until the successors to their respective positions are duly appointed or elected or their duties have been transferred.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-3.
Continuation of administrative personnel.**

§ C15-3. Continuation of administrative personnel.

Any person holding an office or position in the administrative service of the Town or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his duties until provisions shall have been made in accordance with this Charter for the performance of the said duties by another person or agency. Provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-4.
Transfer of records and property.**

§ C15-4. Transfer of records and property.

All records, property and equipment whatsoever of any office, department, or agency or part

thereof, the powers and duties of which are assigned in whole or in part to another office or agency, shall be transferred forthwith to the office, department, or agency to which such powers and duties are assigned.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-5.
Continuance of contracts and other obligations.**

§ C15-5. Continuance of contracts and other obligations.

All leases, contracts, franchises, and obligations entered into by the Town or for its benefit prior to the effective date of this Charter shall continue in full force and effort.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-6.
Pending actions and proceedings.**

§ C15-6. Pending actions and proceedings.

No action or proceeding, civil or criminal, in law or in equity, pending at the time this Charter is to take effect, brought by or against the Town or any office, department or other agency thereof, shall be affected or abated by the adoption of this Charter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CHARTER / ARTICLE 15, Transitional Provisions / § C15-7.
Effective date of Charter.**

§ C15-7. Effective date of Charter.

This Charter shall become effective on January 1, 1972. The election provisions of the Charter shall govern for the Town elections of 1972, and the Annual Town Meeting shall be held the last Monday of April, 1972.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / THE CODE**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / DIVISION 1 - BYLAWS**

DIVISION 1 - BYLAWS

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION**

**PART I
ADMINISTRATIVE LEGISLATION**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS**

Chapter 1, GENERAL PROVISIONS

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE I, Definitions; Amendments; General Penalty [Adopted
2-6-1939 ATM as Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the
1983 Code)]**

**ARTICLE I, Definitions; Amendments; General Penalty [Adopted 2-6-1939 ATM as
Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE I, Definitions; Amendments; General Penalty [Adopted
2-6-1939 ATM as Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the
1983 Code)] / § 1-1. Rules of construction. [Added 4-30-1984 ATM, Art. 43]**

§ 1-1. Rules of construction. [Added 4-30-1984 ATM, Art. 43]

In the construction of the bylaws and regulations contained in this volume and of all bylaws and regulations, the following rules of construction shall be observed unless such construction would be inconsistent with the manifest intent of the Town:

- A. Board of Selectmen. The words "Board of Selectmen" shall mean the Board of Selectmen of the Town of Stoughton.
- B. Commonwealth. The word "Commonwealth" shall mean the Commonwealth of Massachusetts.
- C. Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.
- D. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- E. Month. The word "month" shall mean a calendar month.
- F. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- G. Oath. The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- H. Owner. The word "owner" applied to a building or land, shall include any part owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.
- I. Person. The word "person" shall extend and be applied to associations, firms, partnerships, and bodies politic and corporate as well as to individuals.
- J. Preceding and following. The words "preceding" and "following" mean next before and next after, respectively.
- K. Street. The word "street" shall be construed to include public ways, streets, avenues, boulevards, roads, alleys, lanes, courts, viaducts, public squares, sidewalks and all other public highways in the Town.
- L. Tenant. The words "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such

building or land, either alone or with others.

- M. Time. Words used in the past or present tense include the future as well as the past and present.
- N. Town. The word "Town" shall mean the Town of Stoughton in the County of Norfolk, in the Commonwealth of Massachusetts.
- O. Words purporting to give a joint authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.
- P. The words "written or in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE I, Definitions; Amendments; General Penalty [Adopted
2-6-1939 ATM as Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the
1983 Code)] / § 1-2. Section titles. [Added 4-30-1984 ATM, Art. 43]**

§ 1-2. Section titles. [Added 4-30-1984 ATM, Art. 43]

The catch lines of the several sections of the bylaws and rules and regulations printed in boldface type 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 catch lines, are amended or reenacted.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE I, Definitions; Amendments; General Penalty [Adopted
2-6-1939 ATM as Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the
1983 Code)] / § 1-3. Amendments. [Amended 4-28-1980 ATM, Art. 57, approved
8-11-1980]**

§ 1-3. Amendments. [Amended 4-28-1980 ATM, Art. 57, approved 8-11-1980]

These bylaws may be amended at any Annual or Special Town Meeting, an Article having been inserted for the purpose in the warrant for such meeting, and upon the approval of these bylaws, all bylaws heretofore passed shall be annulled and repealed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE I, Definitions; Amendments; General Penalty [Adopted
2-6-1939 ATM as Art. X of the 1939 Bylaws, approved 4-3-1939 (Ch. 1, Art. I, of the
1983 Code)] / § 1-4. General penalty for offenses. [Amended 4-29-1974 ATM, Art.
73, approved 7-10-1974]**

**§ 1-4. General penalty for offenses. [Amended 4-29-1974 ATM, Art. 73, approved
7-10-1974]**

The penalty of any violation of these bylaws shall, when not otherwise provided for, be the forfeiture and payment for each offense of a fine not exceeding \$50.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL
PROVISIONS / ARTICLE II, Adoption of Code**

ARTICLE II, Adoption of Code

[The General Bylaws of the Town of Stoughton were adopted 4-30-1984 ATM, Art. 43. Legislation adopting the renumbering of the General Bylaws in 2005 is currently pending adoption at Town Meeting.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN**

Chapter 5, BOARD OF SELECTMEN

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 2-6-1939 as Art. II of the 1939 Bylaws, approved 4-3-1939 (Ch. 16 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN / § 5-1. Authority to institute, prosecute and settle claims and suits.
[Amended 4-30-1984 ATM, Art. 43]**

**§ 5-1. Authority to institute, prosecute and settle claims and suits. [Amended 4-30-1984
ATM, Art. 43]**

The Selectmen have full authority, as agents of the Town, to institute and prosecute suits in the name of the Town and to appear and defend suits brought against it, unless it is otherwise specially ordered by a vote of the Town. They may, with the advice of counsel, settle, by compromise, suits or claims.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN / § 5-2. Execution of deeds and other instruments.**

§ 5-2. Execution of deeds and other instruments.

Whenever it shall be necessary to execute any deed or any other instrument required to carry into effect any vote of the Town, the same shall be executed by the Selectmen, or a majority of them, in the name and behalf of the Town unless the Town shall otherwise vote in any special case.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN / § 5-3. Appointment of veterans. [Added 3-7-1955 ATM, Art. 23,
approved 6-28-1955]**

§ 5-3. Appointment of veterans. [Added 3-7-1955 ATM, Art. 23, approved 6-28-1955]

The Town Manager shall appoint and the Board of Selectmen shall approve, upon application duly made, the appointment of veterans as defined in MGL c. 31, § 21, as amended, to any and all positions in the labor, official, or other service of the Town, provided that the veterans are duly qualified.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN / § 5-4. Uniform procurement practices. [Added 4-30-1990 ATM,**

Art. 2]

§ 5-4. Uniform procurement practices. [Added 4-30-1990 ATM, Art. 2]

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen, School Committee or Chief Procurement Officer designated pursuant to MGL c. 30B is authorized to enter into any contract within his or her respective spheres of responsibility for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen, School Committee or Chief Procurement Officer shall not contract for any purpose, on any terms or under any conditions inconsistent with any applicable provisions of any general or special law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 5, BOARD OF
SELECTMEN / § 5-5. Intergovernmental and regional contracts. [Added 5-5-1997
STM, Art. 21]**

§ 5-5. Intergovernmental and regional contracts. [Added 5-5-1997 STM, Art. 21]

The Board of Selectmen shall not enter into any binding obligations, commitments, contracts, memorandums of agreement, or formal expressions of interest which encumber the Town of Stoughton or any of its agencies, departments, boards, commission, agents, employees, or services with any regional vendors, authorities, commissions, agencies, or business enterprises for more than three years without having first received a majority vote of the Town meeting; said vote to be on an article which specifically addresses the period of the contract, financial obligation of the Town, manner of financing, managerial authority which will expend such funds, and any other relevant information which can affect the fiscal condition and liability of the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 9, EMPLOYEES
AND OFFICERS**

Chapter 9, EMPLOYEES AND OFFICERS

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 9, EMPLOYEES AND OFFICERS / ARTICLE I, Town Collector [Adopted 4-30-1984 ATM, Art. 42]

ARTICLE I, Town Collector [Adopted 4-30-1984 ATM, Art. 42]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 9, EMPLOYEES AND OFFICERS / ARTICLE I, Town Collector [Adopted 4-30-1984 ATM, Art. 42] / § 9-1. Designation; duties.**

§ 9-1. Designation; duties.

The Collector of Taxes shall also serve as Town Collector and shall collect all accounts due the Town of Stoughton and have all remedies provided by MGL c. 60, §§ 35, 36, and 93 for the collection of taxes on personal estate, in accordance with MGL c. 41, § 38A.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 9, EMPLOYEES AND OFFICERS / ARTICLE II, Town Planner [Adopted 5-5-2008 ATM, Art. 40]**

ARTICLE II, Town Planner [Adopted 5-5-2008 ATM, Art. 40]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 9, EMPLOYEES AND OFFICERS / ARTICLE II, Town Planner [Adopted 5-5-2008 ATM, Art. 40] / § 9-2. Appointment; powers and duties.**

§ 9-2. Appointment; powers and duties.

The Town Manager shall appoint upon merit and fitness alone at his will a Town Planner who shall report to the Town Manager. The Town Planner shall develop, direct, administer and coordinate activities to accomplish the Town's strategic long-range land use, infrastructure; transportation, housing, community and economic development goals. Responsibilities shall include preparation and administration of requests for federal and state grants; provide technical information and advice to the various Town boards and committees; plus such additional responsibilities as the Town Manager may assign. The Town Planner shall report to the Annual

Town Meeting on accomplishments and issues concerning Town planning and economic development during the previous year and present a three-year and five-year overview of planning and development matters for the Town. This report shall include recommendations and requests for action by Town Meeting and the various town boards, committees and authorities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE**

Chapter 10, COMMUNITY PRESERVATION COMMITTEE

[HISTORY:^{EN(1)} Adopted by the Annual Town Meeting of the Town of Stoughton 5-4-2009, Art. 43. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-1. Establishment; membership; terms of
office.**

§ 10-1. Establishment; membership; terms of office.

- A. Establishment. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to Massachusetts General Law, Chapter 44B. The composition of the Committee, the manner of appointment and the term of office for the Committee members shall be as follows:
- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
 - (2) One member of the Historical Commission as designated by the Commission for a term of three years.
 - (3) One member of the Planning Board as designated by the Board for a term of three years.
 - (4) One member of the Stoughton Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
 - (5) One member representing the Recreation Department, recommended by the Recreation Director. The Recreation Director, subject to approval of the Board of Selectmen, may serve on the Community Preservation Committee. The initial term of the Recreation Department representative shall be one year and thereafter for a term of three years.

- (6) One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.
 - (7) Three members, who are residents of the Town, to be appointed by the Board of Selectmen, one member appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.
- B. All members of the Community Preservation Committee must be registered voters in the Town of Stoughton. The yearly term of all members of the Community Preservation Committee shall be from July 1 to June 30. No later than April 1, the Town Manager shall notify by U.S. mail each appointing body and its designated member when his or her term expires on the following 30th day of June. Any member whose term on the Community Preservation Committee has expired, and has not been removed from the Town or the board, council, committee or authority he or she so represents, shall remain a member of the Community Preservation Committee until his or her successor is duly qualified to serve. Should any person appointed to the Community Preservation Committee cease to be a member of the board, council, commission or authority or be appointed or elected to a Town board, commission, authority, council, or standing committee of Town Meeting which prohibits by the Town Charter multiple office holding, he or she shall immediately cease to be a member of the Community Preservation Committee. It will be the responsibility of the Community Preservation Committee to notify, in writing, the Town Manager of any vacancy that may occur. Appointments to fill a vacancy shall be the same appointing or designating authority as described in § 10-1A. No member of a Town Meeting standing committee as defined in the Town Charter shall serve on the Community Preservation Committee.
- C. Should any of the commissions, boards, councils or committees who have appointing authority for membership on the Community Preservation Committee under this bylaw be no longer in existence for whatever reason, the appointment authority for that commission, board, council or authority shall become the responsibility of the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-2. Duties of meetings; recommendations.**

§ 10-2. Duties of meetings; recommendations.

The duties of the Community Preservation Committee shall be as described under Massachusetts General Law Chapter 44 § 5,^{EN(2)} as amended. The Community Preservation Committee shall serve as an advisory committee to the Stoughton Representative Town Meeting in the use of funds allocated or raised through the Community Preservation Act. As an advisory committee to

Town Meeting it shall be subject to all the provisions of the Town Charter and bylaws regarding public hearings, legal advertising, reporting, publishing, and distribution of its recommendations to the Town Meeting Representatives.

- A. The Community Preservation Committee shall annually meet before the 30th day of November, to study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Director and the Housing Authority, or the persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks, and not less than seven days preceding such hearing in a newspaper of general circulation in the town.
- B. The Community Preservation Committee shall annually make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation, and support of community housing that is required or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the re-use of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include anticipated costs.
- C. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-3. Quorum.**

§ 10-3. Quorum.

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by

majority vote of those members present.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-4. Amendments.**

§ 10-4. Amendments.

This bylaw may be amended from time to time by a majority vote of the Town Meeting; provided, however, that the amendments would not cause a conflict to occur with Massachusetts General Law, Chapter 44B.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-5. Severability.**

§ 10-5. Severability.

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY
PRESERVATION COMMITTEE / § 10-6. Effective date.**

§ 10-6. Effective date.

Following approval by majority vote of Town Meeting, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have 20 days after approval by the Attorney General to make its initial appointments. Should any appointing authority fail to make its appointment within the allotted time, the Selectmen shall make the appointment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 18, HANDICAP
COMMISSION**

Chapter 18, HANDICAP COMMISSION

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 1-13-1988, Art. 19. Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 18, HANDICAP COMMISSION / § 18-1. Establishment; appointment of members.

§ 18-1. Establishment; appointment of members.

A seven-member Handicap Commission shall be established. The Town Manager shall appoint these members as prescribed by MGL c. 40, § 8J, as enacted by Chapter 75, Acts of 1983. Said Handicap Commission appointments will begin the year starting as of March 1, 1988.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 22, INSPECTORS

Chapter 22, INSPECTORS

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 6-15-1961, Art. 10, approved 8-2-1961 (Ch. 87 of the 1983 Code). Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 22, INSPECTORS / § 22-1. Inspector of Gas Piping and Gas Appliances.

§ 22-1. Inspector of Gas Piping and Gas Appliances.

The Building Commissioner shall appoint an Inspector of Gas Piping and Gas Appliances in accordance with MGL c. 142, § 11, as amended.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 22, INSPECTORS / § 22-2. Inspector of Wires. [Amended 4-30-1984 ATM, Art. 43]

§ 22-2. Inspector of Wires. [Amended 4-30-1984 ATM, Art. 43]

The Town Manager shall appoint an Inspector of Wires in accordance with MGL c. 166, § 32.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS**

Chapter 47, TOWN MEETINGS

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE I, Articles Included in Warrant [Adopted 4-29-1974 ATM,
Art. 75, approved 7-10-1974 (Ch. 155, Art. I, of the 1983 Code)]**

**ARTICLE I, Articles Included in Warrant [Adopted 4-29-1974 ATM, Art. 75,
approved 7-10-1974 (Ch. 155, Art. I, of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE I, Articles Included in Warrant [Adopted 4-29-1974 ATM,
Art. 75, approved 7-10-1974 (Ch. 155, Art. I, of the 1983 Code)] / § 47-1.
Assignment of identification numbers.**

§ 47-1. Assignment of identification numbers.

All articles to be included in the warrants for the Annual or any Special Town Meetings, whether by petition or inserted by the Board of Selectmen, shall be given an identification number by the Board of Selectmen or its designated agent when such articles are accepted for insertion in a warrant. The system of identification numbers shall be determined by the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE I, Articles Included in Warrant [Adopted 4-29-1974 ATM,
Art. 75, approved 7-10-1974 (Ch. 155, Art. I, of the 1983 Code)] / § 47-2. Contents
of published warrant.**

§ 47-2. Contents of published warrant.

The published warrant for any Town Meeting shall include the article identification number immediately following the Town Meeting article number, the Town Meeting article number being the number indicating the order of business in which the Selectmen request the Town Meeting to act, as provided by the General Laws of the Commonwealth. Each article shall also be dated and marked with the hour of the day received. The date of receipt of the article, along with the petitioner and his address, shall be indicated in the published warrant. Articles inserted by the Board of Selectmen at the request of any individual or organization shall indicate in the published warrant that they are the requested petitioner and designate the party making the request.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE I, Articles Included in Warrant [Adopted 4-29-1974 ATM,
Art. 75, approved 7-10-1974 (Ch. 155, Art. I, of the 1983 Code)] / § 47-3. Time
limit.**

§ 47-3. Time limit.

After each article has been accepted by inclusion in the warrant, whether by petition or at the request at the Selectmen, it must be given an identification number, and copies of said article shall be forwarded within two working days to the Committee of Finance and Taxation and the Rules Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE II, Capital Outlay Purchases [Adopted 4-30-1984 ATM, Art.
48]**

ARTICLE II, Capital Outlay Purchases [Adopted 4-30-1984 ATM, Art. 48]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE II, Capital Outlay Purchases [Adopted 4-30-1984 ATM, Art.
48] / § 47-4. Approval of capital outlay articles; emergency purchases.**

[Amended 4-29-1985 ATM, Art. 13, approved 5-7-1985; 6-23-2004 ATM, Art. 43]

§ 47-4. Approval of capital outlay articles; emergency purchases. [Amended 4-29-1985 ATM, Art. 13, approved 5-7-1985; 6-23-2004 ATM, Art. 43]

- A. All departmental capital outlay purchases in excess of the greater of 1/2 of 1% of the department's annual operating budget or \$4,000 must be approved by a vote of Town Meeting before such purchases can be made or authorized. "Capital outlay" is defined as those items for which borrowing would be authorized under MGL c. 44, §§ 7 and 8.
- B. In the event of an emergency, the requirement of Subsection A may be waived by a two-thirds vote of the Committee on Finance and Taxation, and all such emergency purchases above the thresholds in Subsection A shall be reported by the Chairperson of the Committee on Finance and Taxation at the next Annual Town Meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE II, Capital Outlay Purchases [Adopted 4-30-1984 ATM, Art.
48] / § 47-5. Annual report of legal expenses. [Added 5-7-1997 STM, Art. 22]**

§ 47-5. Annual report of legal expenses. [Added 5-7-1997 STM, Art. 22]

The Board of Selectmen or its designated agent shall prepare annually a detailed report of the legal expenses incurred and paid by the Town of Stoughton during the preceding fiscal year. The first category of said report shall contain an account of all litigation to which the Town is a party, the amount of Town funds expended relative to each litigation, the status of each litigation, and the amount of any judgments or settlements, if any, which pertain to each litigation. This report shall also include, as a second separate category, the total fees, salaries, and expenses paid to any legal counsel, labor counsel, special counsel, and any other legal or necessary service provider for advising the Town, representing the Town's interest, or securing information for the Town relative to any legal matters which are not considered to be in litigation. Legal expenses for collective bargaining, arbitration, and arbitration awards shall be clearly indicated as a third separate category. This report shall be distributed to each Town Meeting member when the Report of the Committee on Finance and Taxation issues its report to the Annual Town Meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 47, TOWN
MEETINGS / ARTICLE II, Capital Outlay Purchases [Adopted 4-30-1984 ATM, Art.
48] / § 47-6. Purchase orders. [Added 5-2-2005 ATM, Art. 31]**

§ 47-6. Purchase orders. [Added 5-2-2005 ATM, Art. 31]

- A. No purchase or contract to purchase supplies or services in excess of \$3,000 by any municipal department other than the School Department shall be valid, and the Town shall make no payment for such purchase, unless a written purchase order has been issued in advance of such purchase to the vendor or contractor. Such purchase order shall be certified by the Town Manager or his designee as to compliance with state and local procurement statutes and regulations and certified by the Town Accountant or his designee as to the availability of funds.
- B. This requirement shall apply to both single purchases and blanket purchases. Utility services shall be exempted from this requirement.
- C. Such purchase order shall be issued for any amount when requested by the vendor or contractor.
- D. In case of events where the time required to comply with the purchase order requirement would endanger the health and safety of people or property, departments may verbally authorize a purchase and within five business days after such event request a written purchase order.
- E. The Town Accountant or his designee will be responsible for recommending policies and procedures to implement this section.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION**

**PART II
GENERAL LEGISLATION**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS**

Chapter 55, ALARM SYSTEMS

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12]**

ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12] / § 55-1.
Definitions.**

§ 55-1. Definitions.

A. For the purpose of this article the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BURGLAR ALARM SYSTEM -- An assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this article The provisions of § 55-5 of this article shall apply to all users.

FALSE ALARM

- (1) The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents;
- (2) Any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempt threat. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmosphere disturbances, shall not be deemed to be a false alarm.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12] / § 55-2.
Control and curtailment of signals emitted by alarm systems.**

§ 55-2. Control and curtailment of signals emitted by alarm systems.

- A. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Stoughton Police Department of any changes in the list of authorized employees so named in the business listing to respond to alarms.
- B. All alarm systems installed after the effective date of this article which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within 10 minutes after activation of the alarm system. All existing alarm systems in the Town of Stoughton must have a shut-off device installed within six months of passage of this article.
- C. Any alarm system emitting a continuous and uninterrupted signal for more than 10 minutes between 7:00 p.m. and 6:00 a.m. which cannot shut off or be otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Subsection A of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under Subsection A of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.
- D. No alarm system which is designated to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12] / § 55-3.
Automatic dialing devices: interconnection to Police Department.**

§ 55-3. Automatic dialing devices: interconnection to Police Department.

- A. No automatic dialing device shall be interconnected to any telephone numbers at the Police

Department after the effective date of this article.

- B. Within six months after the effective date of this article, all automatic dialing devices interconnected to any telephone numbers at the Police Department shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12] / § 55-4.
Automatic dialing devices: intermediary services.**

§ 55-4. Automatic dialing devices: intermediary services.

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- A. A central station;
- B. An answering service; or
- C. Any privately owned or privately operated facility or terminal.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE I, Burglar Alarm Systems [Adopted 4-25-1983 STM, Art. 12] / § 55-5.
Violations and penalties.**

§ 55-5. Violations and penalties.

- A. The following acts and omissions shall constitute violations of this article, punishable by fines of \$50:
 - (1) Failure to obey an order of the Police Chief to discontinue use of an alarm system;
 - (2) Failure to disconnect an automatic dialing device from any telephone numbers at the police station within six months after the effective date of this article;
 - (3) Interconnection of an automatic dialing device to any telephone numbers at the Police Department after the effective date of this article.
- B. Upon receipt of three or more false alarms within a calendar year, the Police Chief may:

- (1) Order the user to discontinue the use of the alarm; or
 - (2) Disconnect any direct connection to the Police Department.
- C. The user shall be assessed \$50 as a false alarm service for each false alarm in excess of three occurring within a calendar year. The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation, and said user shall submit payment within 15 days of said notice to the Town Treasurer for deposit to the general fund.
- D. Noncriminal disposition. In addition to the procedures for enforcement as described above, the provisions of this article may also be enforced, by any regular Stoughton police officer, by noncriminal complaint pursuant to the provisions of MGL c. 40 § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this article for purposes of noncriminal disposition shall be \$50. [Added 4-30-1990 ATM, Art. 24]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18]**

ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-6.
Findings.**

§ 55-6. Findings.

- A. There has been an increase in recent years in the use of fire alarm systems in all types of occupancies, that include industrial, commercial and residential, which operate by way of master box, central station monitoring company, or local alarm for occupant warning.
- B. Improper installation, defective equipment, lack of maintenance, or other reasons causes fire alarm systems to malfunction.
- C. Each time the Stoughton Fire Department responds to a fire alarm activation caused by a fire alarm malfunction, the estimated cost to the Town of Stoughton is about \$1,000.

- D. In addition to the financial cost, each malfunction requires that Stoughton Fire Department personnel respond, thus decreasing the number of Fire Department personnel available to respond to an actual emergency.
- E. The Stoughton Fire Department responding to fire alarm malfunctions jeopardizes the safety of fire fighters as well as the general public.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-7.
Definitions.**

§ 55-7. Definitions.

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

CENTRAL STATION MONITORING COMPANY -- A company equipped to receive a fire alarm signal from its customers and transmit via a phone line to the Stoughton Fire Department the location of such alarm the central station company receives.

FIRE ALARM SYSTEM -- Any heat-activated, smoke-activated, flame energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station monitoring company, directly to the Stoughton Fire Department by way of a master box, or a local alarm transmitted to the SFD by a phone line by a resident of the property.

FIRE ALARM SYSTEM MALFUNCTION -- A transmittal of a fire alarm signal to a central station monitoring company, directly to the Stoughton Fire Department by way of a master box, or a local alarm transmitted to the SFD by a phone line by a resident of the property which is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintaining or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that could evolve into a fire.

FIRE ALARM SYSTEM OWNER -- An individual or entity building/property owner who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station monitoring company, directly to the Stoughton Fire Department by way of a master box, or a local alarm transmitted to the SFD by a phone line by a resident of the property.

FIRE CHIEF -- The Chief of the Stoughton Fire Department.

MASTER BOX OWNER -- An individual or entity who owns the title to and/or has on his

business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the Stoughton Fire Department by way of a master box.

PROPERTY ADDRESS -- Address in which a fire alarm signal originates to either a central station monitoring company, directly to the Stoughton Fire Department by way of a master box, or a local alarm transmitted to the SFD by a phone line by a resident of the property.

PROPERTY OWNER -- An individual or entity building/property owner who owns the title to and/or has on his business or residential premises that have multiple addresses under the same owner, i.e., Greenbrook I, Greenbrook II, Pleasant Gardens, Hemisphere Gardens, Jones Terrace, and the like.

RESIDENTIAL PREMISES -- Three or more units for human habitation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-8.
Connection to Fire Department master box system; fees.**

§ 55-8. Connection to Fire Department master box system; fees.

A. Fees. [Amended 5-7-2007 ATM, Art. 66]

- (1) Every master box owner whose fire alarm system on the effective date of this article is connected to the Stoughton Fire Department by way of a master box system shall pay the following fee:

Type of Fee	Amount
Annual fee	\$500

- (2) Every master box owner whose fire alarm system after the effective date of this article is connected to the Stoughton Fire Department by way of a master box system shall pay the following fees:

Type of Fee	Amount
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Type of Fee	Amount
Annual fee	\$500
Install/uninstall fee	\$200

- B. Before any fire alarm system is connected to the Stoughton Fire Department, the owner shall provide the following information to the Fire Chief: name, address, home, and work phone numbers of the master box owner, street address where the master box is located, name, address, home, and work phone numbers of the person(s) that operate businesses protected by the fire alarm system connected to the master box, name, address, home, and work phone numbers of at least two persons other than the owner who can be contacted 24 hours/day, and are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located and any other such information as the Fire Chief may require.
- C. If, at the passage of this article, a fire alarm system has already been connected to the Stoughton Fire Department by way of a master box, the master box owner shall comply with the requirements of this section within 60 days after the SFD has sent notice by first class mail of the requirements of this section.
- D. If a master box owner fails to comply with this section, the Fire Chief may assess a fine of \$100 for each day of noncompliance.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-9.
Updating information.**

§ 55-9. Updating information.

Every building/property owner that has a fire alarm system that includes industrial, commercial and residential which operate by way of master box, central station monitoring company, or local alarm for occupant warning is responsible for updating the information herein required by the Fire Chief. The updated information shall be forwarded to the Fire Chief for entry into our CAD system and shall pay a fee, if any, required by this article. If the building/property owner fails to comply with this section the Fire Chief may assess a fine of \$100.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS / ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-10. Fire alarm system malfunctions; fines.

§ 55-10. Fire alarm system malfunctions; fines.

A. If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction per twelve-month period according to the following schedule: [Amended 6-23-2004 ATM, Art. 42]

Offense	Fine
1st	No charge/warning
2nd and 3rd	\$50 each
4th and 5th	\$150 each
6th and higher	\$250 each

B. Upon recording the first false alarm by the Stoughton Fire Department, the Fire Chief shall notify the owner of the building/property, in writing by certified mail, of such fact, and at this time inform the owner of the Town of Stoughton bylaw with regards to charges for false alarms.

- (1) All fire alarm systems equipped to send a fire alarm signal to a central station monitoring company, directly to the Stoughton Fire Department by way of a master box, or a local alarm transmitted to the SFD by a phone line by a resident of the property are subject to the above conditions.
- (2) Any false fire alarm resulting from the failure of the building/property owner, occupant or their agents to notify the Stoughton Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises may cause a penalty to be assessed in accordance with this article.

C. For the purpose of this regulation, a false fire alarm shall be defined as follows: operation of a faulty smoke or heat detector, faulty fire alarm panel or associated equipment; accidental operation of the sprinkler system water pressure surge in the sprinkler system; any accidental activation of the internal fire alarm system by an owner, employee, or contractor employed

by the owner or occupant.

D. Billing for malfunctions.

- (1) Building/Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be deposited with the Town Treasurer for deposit into the general fund.
- (2) If a bill is not paid within 30 days, a second notice will be sent; if the bill is not paid within a total of 60 days after the first bill was sent, a final notice will be sent informing the building/property owner and/or occupant(s) that the master box, central station monitoring company, and/or local service system will be discontinued on the 90th day after the initial bill was sent. If the service is to a master box, notice of discontinuance will be sent to the insurance company. This notice is not obligatory on the part of the Fire Department and does not relieve the property owner and/or occupant(s) of their obligation to notify their insurance companies of this service charge. If the service is a central station monitoring company, notice of discontinuance of service will be sent to the central station monitoring company. If the service is a central station monitoring company or a local alarm, the owner and/or occupants are responsible for notifying their insurance company that the service has been discontinued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-11.
Restrictions on tape dialers and similar automatic telephone devices.**

§ 55-11. Restrictions on tape dialers and similar automatic telephone devices.

- A. No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the Stoughton Fire Department; after passage of this article, all noncompliant systems shall be changed immediately.
- B. If the system is not brought into compliance immediately and a call is received, service will be discontinued (per Section 7, Line 7).

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-12.
Appeal procedure.**

§ 55-12. Appeal procedure.

- A. Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this article may, within 10 days of such action, file an appeal, in writing, to the Board of Selectman of the Town of Stoughton. After notice, the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief, giving its reasons therefor.
- B. The Board shall send its decision to the owner by certified mail return receipt requested within 10 days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have 30 days from the date of the written decision to seek judicial review in the Stoughton District Court.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-13.
Regulation and enforcement.**

§ 55-13. Regulation and enforcement.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 55, ALARM SYSTEMS /
ARTICLE II, Fire Alarm Systems [Adopted 5-15-2002 ATM, Art. 18] / § 55-14.
Deposit of fines into general fund.**

§ 55-14. Deposit of fines into general fund.

All fines assessed herein shall be payable to the Town of Stoughton for deposit into the general fund.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES**

Chapter 59, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art.
96, approved 7-25-1979 (Ch. 7, Art. I, of the 1983 Code)]**

**ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art. 96, approved
7-25-1979 (Ch. 7, Art. I, of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art.
96, approved 7-25-1979 (Ch. 7, Art. I, of the 1983 Code)] / § 59-1. Public drinking
prohibited; penalties.**

§ 59-1. Public drinking prohibited; penalties.

- A. Whoever shall, within the limits of any public way located within the Town, whether that public way be a Town way, county highway, state highway or private way open to the public, consume intoxicating beverages shall be punished by a fine not exceeding \$25. This section shall also be construed so as to prohibit the following: the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running or otherwise present within such way or is within any vehicle, whether parked or moving, which is within the limits of such public way.
- B. Whoever shall consume any intoxicating beverages in any public building or on any public property, including parks, cemeteries, schoolhouses and school grounds, and public squares or in any private way or parking area regulated under the provisions of the MGL c. 90, § 18, shall be punished by a fine not exceeding \$25.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art.**

96, approved 7-25-1979 (Ch. 7, Art. I, of the 1983 Code)] / § 59-2. Evidence of violation. [Added 4-28-1980 ATM, Art. 60, approved 8-11-1980]

§ 59-2. Evidence of violation. [Added 4-28-1980 ATM, Art. 60, approved 8-11-1980]

Possession of an open can, bottle or other container which, upon analysis by the Department of Public Health, is determined to contain an alcoholic beverage, as defined in MGL c. 138, § 1, shall be prima facie evidence of drinking or consuming said alcoholic beverage. All alcoholic beverages being used in violation of this article shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art.
96, approved 7-25-1979 (Ch. 7, Art. I, of the 1983 Code)] / § 59-3. Exemptions.**

§ 59-3. Exemptions.

The foregoing § 59-1 shall not apply to any activity duly licensed by the Board of Selectmen under applicable provisions of the Massachusetts General Laws.^{EN(3)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE I, Consumption in Public [Adopted 4-30-1979 ATM, Art.
96, approved 7-25-1979 (Ch. 7, Art. I, of the 1983 Code)] / § 59-4. Arrest of
violators.**

§ 59-4. Arrest of violators.

It shall be the duty of the police officers of the Town to arrest any person who violates the provisions of § 59-1 and to cause such person to be brought before a Justice of the District Court of Southern Norfolk County, Stoughton, Massachusetts, upon a complaint for violation thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC
BEVERAGES / ARTICLE II, Consumption on Restaurant Premises by Patrons
Who Purchase Alcohol Off Premises [Adopted 5-4-1992 ATM, approved
9-18-1992]**

ARTICLE II, Consumption on Restaurant Premises by Patrons Who Purchase Alcohol Off Premises [Adopted 5-4-1992 ATM, approved 9-18-1992]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 59, ALCOHOLIC BEVERAGES / ARTICLE II, Consumption on Restaurant Premises by Patrons Who Purchase Alcohol Off Premises [Adopted 5-4-1992 ATM, approved 9-18-1992] / § 59-5. Consumption prohibited.

§ 59-5. Consumption prohibited.

Patrons of common victuallers are not permitted to bring alcoholic beverages on the premises of such common victuallers for their own consumption. Persons licensed as common victuallers are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty cooked foods. The Board of Selectmen, acting as licensing commissioners, will, in its discretion, determine what is reasonable for this purpose and whether or not it is customary in the preparation of such specialty foods.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT DEVICES

Chapter 62, AMUSEMENT DEVICES

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 12-6-1982, Art. 26, approved 2-11-1983 (Ch. 11 of the 1983 Code). Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT DEVICES / § 62-1. License required.

§ 62-1. License required.

A license for coin-operated amusement devices shall be granted in conformity with MGL c. 140, § 177A. The term "automatic amusement device" shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player,

including, but not exclusively, such devices as are commonly known as "pinball machines," including free play pinball machines, video machines and any devices released or set in motion for the sole purpose of entertainment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT
DEVICES / § 62-2. Application requirements.**

§ 62-2. Application requirements.

- A. All applications for machines will require a public hearing.
- B. Applicants shall furnish the following information as a minimum:
 - (1) A sketch drawn to a scale of 1/4 inch equals one foot showing the floor plan layout of machine(s), locations, entrances, exits and all other furniture, bars, etc.
 - (2) Total square footage of the establishment and the square footage of the area that will house the machine(s).
 - (3) The name(s) of the company owning the machine(s).
- C. Applications and sketches shall be reviewed by the Police, Fire, Building and Health Departments.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT
DEVICES / § 62-3. License fee.**

§ 62-3. License fee.

The license fee shall be \$100 per machine.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT
DEVICES / § 62-4. Operating restrictions.**

§ 62-4. Operating restrictions.

- A. No establishment will be allowed more than three automatic amusement devices.

- B. All licenses shall adhere to the license hours of the establishment.
- C. If any school truant is found playing a machine on the premises, the license shall be revoked immediately.
- D. Future reapplications for licenses shall not be entertained within one year of a denial of an automatic amusement application.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT
DEVICES / § 62-5. Display of licenses.**

§ 62-5. Display of licenses.

Licensees are required to exhibit their licenses by enclosing same in a glassine or plastic transparent frame and affixing same so that the same is visible to the public.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 62, AMUSEMENT
DEVICES / § 62-6. Revocation of license.**

§ 62-6. Revocation of license.

The revocation of a coin-operated automatic amusement device license shall be in conformity with Chapters 136 and 140 of the Massachusetts General Laws.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION**

Chapter 70, BUILDING CONSTRUCTION

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-24-1950, Art. 13 (Ch. 20 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-1. Office of Building Commissioner created.**

§ 70-1. Office of Building Commissioner created.

The office of Building Commissioner is hereby created, and the executive official in charge shall be known as the "Building Commissioner."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-2. Appointment, term and removal of Commissioner.**

§ 70-2. Appointment, term and removal of Commissioner.

The Building Commissioner shall be appointed as required by law. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after a full opportunity has been given him to be heard on specific charges.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-3. Acting Building Commissioner.**

§ 70-3. Acting Building Commissioner.

During temporary absence or disability of the Building Commissioner, the appointing authority shall designate an Acting Building Commissioner.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-4. Duties of Commissioner.**

§ 70-4. Duties of Commissioner.

It shall be the duty of the Building Commissioner to enforce all laws relating to construction, alteration, removal and demolition of buildings and structures.^{EN(4)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-5. Fire limits.**

§ 70-5. Fire limits.

The fire limits of the Town are hereby established as follows: beginning at a point in the center line intersection of Washington Street and Walnut Street; thence running by the center line of Walnut Street in an easterly and northeasterly direction across Park Street and Chestnut Street to the center line intersection of Prospect Street and Walnut Street; thence turning and running in a northwesterly direction by the center line of Prospect Street and across Seaver Street to the center line intersection of Prospect Street and Pleasant Street; thence turning and running in a southwesterly direction by the center line of Pleasant Street to the center line intersection of Pleasant Street and Grove Street; thence turning and running in a northwesterly direction by the center line of Grove Street to the center line intersection of Grove Street and Lincoln Street; thence turning and running in a westerly direction by the center line of Lincoln Street to the center line intersection of Washington Street and Lincoln Street; thence turning and running in a southerly direction by the center line of Washington Street to the center line intersection of a private way called Vose Lane and the center line of Washington Street; thence turning and running in a westerly direction by the center line of Vose Lane 450 feet to a point; thence turning and running in a westerly, but slightly more northerly direction and in a straight line to the center line intersection of Pearl Street and Adams Street; thence turning and running in a southwesterly direction by the center line of Adams Street and across Clapp Street to the center line intersection of Adams Street and Cushing Street; thence turning and running in a northwesterly direction by the center line of Cushing Street to a point. Such point being the center line of Drake Avenue produced in a straight line extension of its intersection with the center line of Canton Street to the center line of Cushing Street; thence turning and running in a southwesterly direction from such point, and by the center line of Drake Avenue produced, across the center line intersection of Canton Street and Drake Avenue, Drake Avenue and School Street; thence turning and running northeasterly by the center line of School Street to the center line intersection of School Street and Water Street; thence turning and running in a southeasterly direction by the center line of Water Street across Myrtle Street to the center line intersection of Water Street and Wyman Street; thence turning and running in a southwesterly direction by the center line of Wyman Street to the center line intersection of Wyman Street and Brock Street; thence turning and running in a southeasterly direction by the center line of Brock Street across Morton Street and the railroad right-of-way to the center line intersection of Brock Street and Washington Street; thence turning and running in a northerly direction by the center line of Washington Street to the center line intersection of Washington Street and Walnut Street, and the point of beginning. Meaning to describe the fire limits.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING
CONSTRUCTION / § 70-6. Violations and penalties.**

§ 70-6. Violations and penalties.

- A. A person who violates a provision of the Uniform Massachusetts Building Code or fails to comply therewith or with any of the requirements thereof or who shall erect, construct, alter or repair or has erected, constructed, altered or repaired a building or structure in violation of a detailed statement or plan submitted and approved thereunder shall be guilty of a misdemeanor punishable by a fine as provided by the Uniform Massachusetts Building Code.
- B. The owner of a building, structure or premises where anything in violation of the Uniform Massachusetts Building Code shall be placed or shall exist and an architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be fined as provided by the Uniform Massachusetts Building Code.
- C. The imposition of the penalties herein prescribed shall not preclude the Town Counsel from instituting an appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure or premises or to prevent an illegal act, conduct, business or use in or about any premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 73, BUILDINGS,
NUMBERING OF**

Chapter 73, BUILDINGS, NUMBERING OF

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-27-1987, Art. 83. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 73, BUILDINGS,
NUMBERING OF / § 73-1. Street address numbers required.**

§ 73-1. Street address numbers required.

Street address numbers shall be provided for each dwelling and each business, industrial, and other buildings in the Town of Stoughton by the owner of such structures by 90 days after approval of the Attorney General in accordance with the following:

- A. The numbers shall be made of permanent weatherproof material, shall be at least three inches in height and shall be clearly visible from the street or roadway upon which the dwelling or building fronts.
- B. The numbers shall be placed on each structure or on a suitable support near the main entrance to the structure so as to be visible.
- C. The numbers shall be those assigned to each structure in accordance with the street numbering policy on file in the office of the Building Inspector.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 73, BUILDINGS,
NUMBERING OF / § 73-2. New buildings.**

§ 73-2. New buildings.

The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Building Inspector prior to submitting application to the Building Inspector for a permit, and no building permit shall be issued without designation of such building number.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 73, BUILDINGS,
NUMBERING OF / § 73-3. Owner responsibility.**

§ 73-3. Owner responsibility.

It shall be the responsibility of each property owner in the Town to obtain a number assigned to his affected structure or structures within three months of the effective date of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 73, BUILDINGS,
NUMBERING OF / § 73-4. Violations and penalties.**

§ 73-4. Violations and penalties.

Any owner who violates this chapter and after being notified of the violation by the Building Inspector, in writing, permits said violation to continue for 30 days after receipt of notice, may be punished by a fine of not more than \$50. For purposes of this chapter, each successive day

during which any violation is committed or continued shall be deemed a separate offense.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 76, DEFIBRILLATORS**

Chapter 76, DEFIBRILLATORS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-1-2006, Art. 23, approved 9-5-2006. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 76, DEFIBRILLATORS /
§ 76-1. Defibrillators required.**

§ 76-1. Defibrillators required.

A. Locations where required.

- (1) Every health club operating in the Town of Stoughton shall have at least one AED/defibrillator on the premises. This defibrillator will at all times be deployed in a manner that best promotes the availability of and access to the defibrillator by the staff, health club members, guests and licensees. The defibrillator will be mounted in a case connected to the alarm of the business. At least one employee of the health club, trained in the use of an automated external defibrillator and CPR, must be on duty during normal business hours.
- (2) Every restaurant with a seating capacity greater than 225 seats operating in the Town of Stoughton shall have at least one AED/defibrillation device on the premises. This defibrillator will at all times be deployed in a manner that best promotes the availability of and access to the defibrillator by the restaurant staff and/or patrons/PAD Program. The defibrillator will be mounted in a case connected to the alarm of the business. At least two employees of the restaurant, trained in the use of an automated external defibrillator and CPR, must be on duty during normal business hours.
- (3) Every food market with an area greater than 29,000 square feet operating in the Town of Stoughton shall have at least one defibrillation device on the premises. This defibrillator will at all times be deployed in a manner that best promotes the availability of and access to the defibrillator by the food market employees and/or patrons/PAD Program. The defibrillator will be mounted in a case connected to the alarm of the business. At least two employees of the food market, trained in the use of an automated external

defibrillator and CPR, must be on duty during normal business hours.

- B. All AED devices, as described above, must be compatible to the Stoughton Fire Department equipment.
- C. The provisions of this bylaw shall be enforced by the Fire Chief and/or his designee. [Added 5-7-2007 ATM, Art. 70]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 76, DEFIBRILLATORS /
§ 76-2. Exemptions.**

§ 76-2. Exemptions.

Should any business that comes under this bylaw that has purchased or installed a defibrillator prior to June 1, 2006, or within 90 days prior to the date that this bylaw takes effect will be allowed to continue using that defibrillator for a period of up to five years from the date of installation. This exemption does not grant relief from the requirement to connect the defibrillator box to the alarm system as prescribed within this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 76, DEFIBRILLATORS /
§ 76-3. Effective date.**

§ 76-3. Effective date.

This bylaw will take effect January 1, 2008. Failure to comply with this bylaw may be used by the local licensing authority to revoke or withhold whatever applicable licenses or permits may be issued to said noncomplying business.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 76, DEFIBRILLATORS /
§ 76-4. Definitions.**

§ 76-4. Definitions.

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

ALARM -- The AED box will be connected to the Burglar Alarm Company and that has a zone for Fire Department notification. In case there is no burglar alarm, then it would be connected to

a fire alarm as required by the Stoughton Fire Department.

FOOD MARKET -- Is a place of business that sells food for human consumption (i.e., BJ's, Stop & Shop, Shaws, etc.)

PADS PROGRAM (AMERICAN HEART ASSOCIATION) -- Public access to defibrillation (PAD) means making AED (automatic external defibrillator) available in public and/or private places where large numbers of people gather.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS**

Chapter 77, DEMOLITION OF BUILDINGS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-4-2009, Art. 46. Amendments noted where applicable.]

GENERAL REFERENCES

**Building construction -- See Ch. 70.
Zoning -- See Ch. 200.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-1. Intent and purpose.**

§ 77-1. Intent and purpose.

This bylaw is adopted for the purpose of protecting and preserving significant buildings and structures, which constitute or reflect distinctive features of the history, architecture, landscape, and/or the character of the Town of Stoughton. Through this bylaw the Town desires to encourage owners, and others, to preserve, rehabilitate, or restore such significant buildings and structures rather than demolishing, removing or relocating them. To achieve these purposes, the Stoughton Historical Commission is empowered to advise the Stoughton Building Inspector concerning the issuance for demolition, removal, or relocation of significant buildings and structures as provided in this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF**

BUILDINGS / § 77-2. Definitions.

§ 77-2. Definitions.

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

BUILDING -- Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING INSPECTOR -- Stoughton Building Inspector.

COMMISSION -- The Stoughton Historical Commission.

DEMOLITION -- The act of substantially or totally pulling down, destroying, removing, or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing same.

DEMOLITION PERMIT -- The permit issued by the Building Commissioner as required by the State Building Code for the demolition, or partial demolition or removal of a building or structure from its lot, or the moving of the building or structure on its lot.

HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE -- Any building or structure which 1) is associated with one or more historic/prominent persons or events; 2) is associated with the architectural, cultural, economic, political or social history of the Town of Stoughton, the Commonwealth of Massachusetts and/or the United States of America; 3) embodies the distinctive characteristics of a type, period, style and method of building construction, or represents the work of a particular architect or building, either by itself or in the context of a group of buildings or structures.

REMOVAL -- To transfer a structure from its existing location.

or maintained at a fixed location and placed permanently or temporarily in or on the ground.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-3. Regulated buildings and structures.**

§ 77-3. Regulated buildings and structures.

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building(s) or structure(s) listed on, or which is the subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure which, in whole or part, was built in the calendar year 75 years prior to the calendar year in which demolition permit is requested. The age of the buildings shall first be determined by poll tax records and/or property tax records.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-4. Permit procedures.**

§ 77-4. Permit procedures.

- A. Application. The Commissioner shall forward a copy of each demolition permit application for a building or structure identified in this bylaw § 77-3 to the Chairman of the Historical Commission within seven business days of the filing of such applications and shall notify the applicant that their application falls under the regulations of this bylaw.
- B. Historically significant determination.
 - (1) Within 45 days of receipt of the demolition permit application by the Chairman of the Historical Commission, the Commission shall hold a public meeting to hear and collect information and evidence to determine whether the building or structure is historically significant. The applicant for the permit shall be notified in writing at least seven days prior to the public meeting.
 - (2) At least five business days prior to the public meeting, the applicant shall provide to the Commission three sets of photographs showing all sides of the building(s) or structure(s), and three copies of a plot plan of the property.
 - (3) The public meeting shall consist of a discussion of the proposed demolition of the building(s) and/or structure(s). A site visit with the Commission and landowner may also occur, if deemed appropriate by the Chairperson or Commission.
 - (4) If the Commission determines that the building(s) or structure(s) is/are not historically significant, the Commission shall notify the Building Inspector, Town Clerk, and applicant of its decision, including the reasons for such a determination, and the

Building Inspector may issue a demolition permit.

- (5) If the Commission fails to notify the Building Inspector of its determination within 10 days after the public meeting, the building(s) or structure(s) shall be deemed not historically significant and the Building Inspector may issue a demolition permit.
- (6) Is/are historically significant, the Commission shall notify the Building Inspector, Town Clerk, and applicant in writing of its determination and the reason therefor.

C. Historically significant building or structure demolition/removal plan review. After the Commission's determination that a building(s) or structure(s) is/are historically significant, the applicant for the demolition permit shall submit to the Commission 10 copies of a demolition/removal plan that includes the following information:

- (1) A plot plan sufficient to show the location of the building(s) or structure(s) to be demolished/removed in relation to its property lines, and other buildings on the property;
- (2) Photographs of all sides of the building(s) or structure(s);
- (3) A brief description identifying the reasons for the proposed demolition/removal.

D. Public hearing.

- (1) Within 60 days from its receipt of the demolition/removal plan, the Commission shall hold a public hearing with respect to the demolition/removal application and plan. If a demolition/removal plan is not submitted, the Commission shall hold a public hearing with respect to the available information within 90 days of the determination of the building(s) or structure(s) historical significance.
- (2) The public hearing shall be advertised in a newspaper of local circulation at least seven days but no more than 30 days prior to the date of the public hearing. The advertisement shall be paid for by the petitioner. The petitioner shall provide the public hearing notice to all parties of interest (abutters) if the property where the building(s) or structure(s) is/are to be demolished, removed, or relocated at least seven days, but no more than 30 days prior to the date of the public hearing. [Parties of Interest (abutters) as defined in MGL c. 40A]

E. Decision.

- (1) Within 10 days of the close of the Commission's public hearing the Commission shall make a written decision, including the reasons for the determination, as to whether or not the building(s) or structure(s) is/are worthy of preserving. The required time limits for a public hearing and said action may be extended by written agreement between the

petitioner and the permit granting authority.

- (2) If the building(s) or structure(s) is/are determined by the Commission not to be worthy of preservation, or if the Commission fails to file its written decision with the Building Commissioner and Town Clerk within 10 days of the close of the public hearing, the Building Inspector may issue a demolition permit.
- (3) If the building(s) or structure(s) is/are determined to be worthy of preservation then the Building Inspector shall not issue a demolition permit for a period of six months from the date the Commission's decision is filed with the Building Inspector. During this period, the applicant shall make an effort to locate a purchaser for the building(s) or structure(s), who is willing to preserve, rehabilitate or restore the building(s) or structure(s). The Commission may instruct the Building Inspector to issue a demolition permit prior to the expiration of the six-month period if:
 - (a) The Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building(s) or structure(s) who is willing to preserve, rehabilitate or restore the building(s) or structure(s); or
 - (b) Demolition permit according to certain conditions approved by the Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-5. Emergency demolition.**

§ 77-5. Emergency demolition.

Nothing in this bylaw, § 77-4, shall be inconsistent with the procedures for the emergency demolition and/or securing of building(s) or structure(s) established by General Laws Chapter 143, Sections 6 through 10.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-6. Noncompliance; enforcement; penalties.**

§ 77-6. Noncompliance; enforcement; penalties.

- A. Anyone who demolishes, removes, or relocates a building or structure identified in § 77-3 without complying fully with the provisions of this bylaw, shall be subject to a fine of not

more than \$300 as limited by Chapter 40A, MGL.

- B. In addition, unless a demolition permit was obtained for such demolition, removal, or relocation and unless such permit was fully complied with, the Building Inspector shall not issue a building permit to any property on which a building or structure identified in § 77-3 has been demolished for a period of two years from the date of demolition, even if an assessed fine is paid.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-7. Administration.**

§ 77-7. Administration.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 77, DEMOLITION OF
BUILDINGS / § 77-8. Severability.**

§ 77-8. Severability.

Should any section, paragraph, or part of this bylaw be declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of such ordinance shall continue in full force and effect.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS**

Chapter 78, DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 2-6-1939 Art. 7 as Sections 7 and 11 of the 1939 Bylaws, approved 4-3-1939 (Ch. 35 of the 1983 Code). Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE I, Animal Control

ARTICLE I, Animal Control

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE I, Animal Control / § 78-1. Pasturing prohibited.**

§ 78-1. Pasturing prohibited.

The pasturing of cattle or other animals, with or without a keeper, in or upon any street or public way in the Town is hereby forbidden.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE I, Animal Control / § 78-2. Animals on sidewalks.**

§ 78-2. Animals on sidewalks.

No person shall lead or drive any horse, goat, swine or neat animal upon any sidewalk so as to interfere with the convenient use of the same by pedestrians.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art. 34, approved 11-1-1972]**

ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art. 34, approved 11-1-1972]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art. 34, approved 11-1-1972] / § 78-3. License fees.**

§ 78-3. License fees.

The annual fee for every dog license, except as otherwise provided by law (\$1 additional), shall be established by the state. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, provided that the Division of the Blind certifies that such dog is so trained and actually in the services of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the county under MGL c. 140, § 147.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art.
34, approved 11-1-1972] / § 78-4. Disturbing the peace.**

§ 78-4. Disturbing the peace.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art.
34, approved 11-1-1972] / § 78-5. Nuisance complaints.**

§ 78-5. Nuisance complaints.

If any person shall make a complaint in writing to the Dog Officer that any dog owned or harbored within his jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Dog Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Dog Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Selectmen to issue their order following receipt of the report of the Dog Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order is automatically

vacated.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art.
34, approved 11-1-1972] / § 78-6. Running at large. [Amended 4-30-1979 ATM,
Art. 93, approved 7-25-1979; 5-4-1992 ATM, Art. 43; approved 9-18-1992]**

**§ 78-6. Running at large. [Amended 4-30-1979 ATM, Art. 93, approved 7-25-1979;
5-4-1992 ATM, Art. 43; approved 9-18-1992]**

No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the Town of Stoughton or allow it upon any of the streets or public places in the Town of Stoughton or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the Town of Stoughton unless it is effectively restrained by a chain or leash not exceeding 10 feet in length.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art.
34, approved 11-1-1972] / § 78-7. Seizure and impounding. [Amended 4-30-1979
ATM, Art. 93; approved 7-25-1979]**

§ 78-7. Seizure and impounding. [Amended 4-30-1979 ATM, Art. 93; approved 7-25-1979]

It shall be the duty of the Dog Officer to apprehend any dog found running at large in any street or public place within the Town of Stoughton or in violation of any of the provisions of this article, and to impound such dog in the place provided therefor. The Dog Officer, upon receiving any such dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Town for impounding and maintenance of such dog as provided by law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art.**

34, approved 11-1-1972] / § 78-8. Muzzling or confinement of dogs. [Amended 4-30-1979 ATM, Art. 93, approved 7-25-1979]

§ 78-8. Muzzling or confinement of dogs. [Amended 4-30-1979 ATM, Art. 93, approved 7-25-1979]

- A. The Dog Officer may order a dog to be muzzled or confined to its owner's premises, whichever in his judgment may be required, for any of the following reasons:
- (1) If found at large or unmuzzled, as the case may be, while an order of the Board of Selectmen for the confinement or muzzling of such dog is in effect.
 - (2) If found in a school, schoolyard or public recreational area.
 - (3) For having bitten any person.
 - (4) For having killed or maimed or otherwise damaged any other domesticated animal.
 - (5) For chasing any vehicle upon any public way or way open to public travel in the Town.
 - (6) For any violation of § 78-4 or 78-6.
- B. A person aggrieved by an order of the Board of Selectmen or the Dog Officer may seek judicial review in the manner provided in MGL c. 140, § 157.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art. 34, approved 11-1-1972] / § 78-9. Hunting dogs. [Added 4-30-1979 ATM, Art. 93, approved 7-25-1979]**

§ 78-9. Hunting dogs. [Added 4-30-1979 ATM, Art. 93, approved 7-25-1979]

For the purposes of this article, a dog, when in the presence of its owners, who is being trained for hunting shall be considered leashed and under control.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER ANIMALS / ARTICLE II, Dog Licensing and Control [Added 4-24-1972 ATM, Art. 34, approved 11-1-1972] / § 78-10. Late fee. [Amended 10-3-1983 STM, Art. 15, approved 12-7-1983; amended 5-4-1992 ATM, Art. 43; approved 9-18-1992]**

§ 78-10. Late fee. [Amended 10-3-1983 STM, Art. 15, approved 12-7-1983; amended 5-4-1992 ATM, Art. 43; approved 9-18-1992]

Except for violations of § 78-6 which are punishable in accordance with the schedule of fines set forth therein, should any owner or keeper of a dog fail to license that dog, on or before May 1, that owner or keeper shall pay a late fee of \$25, said fee to be in addition to the license fee for all dogs licensed on or after May 1 of any year, excepting a dog brought into the Town as provided in MGL c. 140, § 138, this late fee shall be applicable from the 61st day after arrival of such dog; and in addition, should any owner or keeper of a dog fail to comply with the provisions of this article or any order of the Dog Officer issued pursuant to this article, that owner or keeper shall be punished by a fine not to exceed \$25 for each offense.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE III, Animals Constituting Nuisances [Added 8-11-1987 STM,
Art. 7, approved 10-26-1987]**

**ARTICLE III, Animals Constituting Nuisances [Added 8-11-1987 STM, Art. 7,
approved 10-26-1987]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE III, Animals Constituting Nuisances [Added 8-11-1987 STM,
Art. 7, approved 10-26-1987] / § 78-11. Muzzle required for certain dogs.
[Amended 5-4-1992 ATM, Art. 43; approved 9-18-1992]**

§ 78-11. Muzzle required for certain dogs. [Amended 5-4-1992 ATM, Art. 43; approved 9-18-1992]

- A. No owner of , or person having the care of, any American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier, shall permit it to be off his own premises, whether leashed or unleashed, unless it is wearing a muzzle.
- B. In this section, the word "muzzle" means a device that is used commercially with greyhounds.
- C. The muzzle must be made in a manner which will not cause injury to the dog or interfere

with its vision or respiration, but must prevent it from biting any person or animal.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE IV, Penalties [Added 5-4-1992 ATM, Art. 43, approved
9-18-1992]**

ARTICLE IV, Penalties [Added 5-4-1992 ATM, Art. 43, approved 9-18-1992]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 78, DOGS AND OTHER
ANIMALS / ARTICLE IV, Penalties [Added 5-4-1992 ATM, Art. 43, approved
9-18-1992] / § 78-12. Violations and penalties.**

§ 78-12. Violations and penalties.

Except for violations of § 78-10 which are punishable in accordance with the fee set forth therein, the provisions of this chapter shall be enforced by the Animal Control Officer or any regular Stoughton police officer, by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this chapter for purposes of noncriminal disposition shall be \$50.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT**

Chapter 89, ENTERTAINMENT

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-25-1977, Arts. 24 and 25, approved 8-5-1977 (Ch. 42 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-1. License required.**

§ 89-1. License required.

An annual, temporary or special license shall be required for theatrical exhibitions, public shows, public amusements and exhibitions of every description to which admission is obtained upon payment of money or upon the delivery of any valuable thing or by a ticket or voucher obtained for money or any valuable thing or in which, after free admission, amusement is furnished upon a deposit of money in a coin-controlled apparatus.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-2. Application for license. [Added 4-30-1984 ATM, Art. 43]**

§ 89-2. Application for license. [Added 4-30-1984 ATM, Art. 43]

Applicants for a permit and license under this chapter must file with the Board of Selectmen a sworn application in writing on a form to be furnished by the Board of Selectmen, which shall give the following information:

- A. Name of applicant.
- B. Residential address.
- C. Business name and address.
- D. Type of license held in connection with the ordinary course of business.
- E. Brief description of type of entertainment to be offered, such as:
 - (1) Orchestra (number of pieces).
 - (2) Dancing by patrons only.
 - (3) Dancing by entertainers and/or employees (describe).
 - (4) Entertainers (singers, comedians, magicians, etc., not including dancers).
 - (5) Other (describe).
- F. Days and hours during which it is desired to conduct said entertainment.
- G. Signature of applicant.
- H. Date application filed.
- I. Signatures of licensing authority.
- J. Date license approved.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-3. Public hearing; approval and contents of license. [Added 4-30-1984 ATM,
Art. 43]**

§ 89-3. Public hearing; approval and contents of license. [Added 4-30-1984 ATM, Art. 43]

- A. Upon receipt of each such application, the Board of Selectmen shall advertise for the purposes of holding a public hearing. Said public hearing shall be advertised in a newspaper of general circulation in the Town of Stoughton at least seven days prior to the scheduled hearing. All abutters to the applicant's desired location for said entertainment shall be notified by certified mail, return receipt requested, at least seven days prior to said hearing. It shall be the responsibility of the applicant to notify the abutters and pay for all advertising charges and postage required. The Board of Selectmen shall endorse its approval on said application, and the Clerk to the Board of Selectmen shall retain said application and all supporting documents with a copy of the license issued after receipt of the prescribed license fee.
- B. Such license shall contain the following:
- (1) The name and business address of said licensee.
 - (2) The type of entertainment for which the license is issued.
 - (3) Days and hours entertainment is to be conducted.
 - (4) The amount of the fee paid.
 - (5) The date of issuance.
 - (6) The length of time the license shall be operative.
 - (7) The signatures of a majority of the Board of Selectmen.
- C. The Board of Selectmen shall keep a permanent record of all applications filed and licenses issued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-4. License fees and hours. [Added 4-30-1984 ATM, Art. 43]**

§ 89-4. License fees and hours. [Added 4-30-1984 ATM, Art. 43]

- A. An annual license shall be issued for a term expiring December 31 of the year in which it is issued, and the fee therefor shall be determined by the Board of Selectmen and shall not exceed \$50, payable upon issuance of the license.
- B. A temporary or special license may be granted for a period of time so determined by the Board of Selectmen, with the fee to be determined by the Board of Selectmen, but shall not exceed \$50, with such license issued to be valid only for the dates and times denoted on the temporary or special license.
- C. A temporary or special license for entertainment out of doors may be granted for a period of time so determined by the Board of Selectmen, which fee to be determined by the Board of Selectmen, but shall not exceed \$50, with such license to be valid only for the dates denoted on the temporary or special license, and the hours during which such out-of-door entertainment may be conducted shall be fixed by the Board of Selectmen, provided that no such out-of-door entertainment be conducted after 12:00 midnight.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-5. Transfer of license. [Added 4-30-1984 ATM, Art. 43]**

§ 89-5. Transfer of license. [Added 4-30-1984 ATM, Art. 43]

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-6. Restrictions and prohibitions. [Amended 4-30-1984 ATM, Art. 46; 4-28-1987
ATM, Art. 79]**

**§ 89-6. Restrictions and prohibitions. [Amended 4-30-1984 ATM, Art. 46; 4-28-1987
ATM, Art. 79]**

The following acts or conduct in or on the premises licensed in accordance with MGL c. 138, § 12, and c. 140, §§ 181 and 183A, are deemed contrary to the public need and to the common good, and therefore, no license shall be held for the sale of alcoholic beverages to be served and drunk on the licensed premises where such acts or conduct are permitted:

- A. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks or genitals.
- B. It is forbidden to employ or permit any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire as described in Subsection A above.
- C. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks or genitals of any other person.
- D. It is forbidden to employ or permit any person to wear or use any device or covering exposing to view or which simulates the breasts, buttocks, pubic hair or genitals, or any portion thereof.
- E. It is forbidden to employ or permit any person in or on the licensed premises to perform any act or acts or to simulate the act or acts of:
 - (1) Sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law.
 - (2) Touching, caressing or fondling of the breasts, buttocks or genitals of another.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-7. Visual displays.**

§ 89-7. Visual displays.

It is forbidden to employ or permit any person in or on the licensed premises to show motion-picture films, television-type cassettes, still pictures or other photographic reproductions depicting any of the acts, or any simulation of the acts, prohibited in § 89-6 of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-8. Other laws.**

§ 89-8. Other laws.

Notwithstanding any of the foregoing, no person duly licensed by the Licensing Board for the Town of Stoughton under MGL c. 140, §§ 181 and 183, shall employ, use the services of or permit upon the licensed premises any employee, entertainer or other person who by his or her

attire or conduct violates any General Laws, Special Act or bylaw of the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-9. Display of license. [Added 4-30-1984 ATM, Art. 43]**

§ 89-9. Display of license. [Added 4-30-1984 ATM, Art. 43]

Licenses are required to exhibit their licenses by enclosing same in a glassine or plastic transparent frame and affixing same so that the same is visible to the public.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-10. Revocation of license. [Amended 4-30-1984 ATM, Art. 43]**

§ 89-10. Revocation of license. [Amended 4-30-1984 ATM, Art. 43]

- A. Permits and licenses issued under the provision of this chapter may be revoked by the Board of Selectmen of the Town of Stoughton after notice and public hearing.
- B. Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served upon the licensee at least five days prior to the date set for the hearing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 89, ENTERTAINMENT / §
89-11. Violations and penalties.**

§ 89-11. Violations and penalties.

Upon failure to comply with this chapter, said employer, employee and/or licensee shall pay a fine of \$50 each and every day he or she allows any person or persons to violate the same.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 96, FEES**

Chapter 96, FEES

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-27-1981, Art. 46, approved 9-22-1981 (Ch. 50 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 96, FEES / § 96-1. Town
Clerk fees. [Amended 5-9-1989 ATM, Art. 48]**

§ 96-1. Town Clerk fees. [Amended 5-9-1989 ATM, Art. 48]

As allowed under MGL c. 262, § 34, the fees of the Town Clerk shall be as follows:

Service	Fee
Filing and indexing assignment for the benefit of creditor	\$10
Entering an amendment of a record of the birth of an illegitimate child subsequently legitimized	\$10
Correcting errors in a record of birth	\$10
Furnishing a certificate of a birth	\$5
Furnishing an abstract copy of a record of birth	\$2
Entering a delayed record of birth	\$10
Filing a certificate of a person conducting a business under any title other than his real name	\$10
Filing by a person conducting a business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or of a change of location of such business	\$10
Furnishing a certified copy of a certificate of a person conducting a business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$5

Service	Fee
Recording the name and address and the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	\$20
Correcting errors in a record of death	\$10
Furnishing a certificate of death	\$5
Furnishing an abstract copy of a record of death	\$2
Entering a notice of intention of marriage and issuing certificates thereof	\$15
Entering a certificate of marriage filed by persons married out of the Commonwealth	\$5
Issuing a certificate of marriage	\$5
Furnishing an abstract copy of a record of marriage	\$5
Correcting errors in a record of marriage	\$10
Recording power of attorney	\$10
Recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20
Recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	\$20
Recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of MGL c. 166, § 22	\$25 flat rate (\$10 additional for each street or way included in such order)
Examining records or papers relating to birth, marriage or deaths upon the application of any person	The actual expense thereof, but not less than \$5
Copying any manuscript or record pertaining to a birth, marriage or death	\$5 per page

Service	Fee
Receiving and filing of a complete inventory of all items to be included in a closing out sale, etc.	\$10 first page; \$10 each additional page
Filing a copy of a written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by MGL c. 182, § 2	\$20
Recording a deed of lot or plot in a public burial place or cemetery	\$10
Recording any other documents:	First page: \$10; each additional page: \$2

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 96, FEES / § 96-2.
Sealing of weights and measures fees. [Added 4-26-1982 ATM, Art. 40, approved 9-13-1982]**

§ 96-2. Sealing of weights and measures fees. [Added 4-26-1982 ATM, Art. 40, approved 9-13-1982]

Sealing of weights and measures fees shall be charged as follows:

Item	Fee
Scales	
Capacity over 10,000 pounds	\$50
Capacity of 5,000 to 10,000 pounds	\$30
Capacity of 1,000 to 5,000 pounds	\$20
Capacity of 100 to 1,000 pounds	\$10

Item	Fee
Scales/Balances	
10 to 100 pounds	\$6
Under 10 pounds	\$5
Liquid capacity measure of capacity of more than one gallon and measures on pumps	\$2
Liquid measuring meter, diameter 1/2 inch to one inch	\$5
Liquid measuring meter, diameter over one inch:	
Vehicle tank pump	\$16
Vehicle tank gravity	\$20
Bulk storage	\$40
Bulk storage with certified prover	\$20
Taximeter	\$8
Device to determine linear or area	\$5
Milk bottle or jars, per gross	\$8
Vehicle tanks used in sale of commodities by liquid measure, per 100 gallons	\$5
Separate tanks, same vehicle, each	\$5
All weights and other measures	\$1

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 96, FEES / § 96-3.
License fees [Added 4-26-1982 ATM, Art. 40, approved 9-13-1982]**

§ 96-3. License fees [Added 4-26-1982 ATM, Art. 40, approved 9-13-1982]

The annual fee for various licenses shall be as follows:

License for	Fee
Automatic amusement devices, including video machines, per machine	\$100
Places of public lodging	\$50
Electrologists	\$10
License for pharmacists to sell alcoholic beverages	\$200

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION**

Chapter 100, FIRE PREVENTION

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 5-14-2001, Art. 38 (Ch. 59 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement**

ARTICLE I, Standards and Enforcement

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-1. Intent.**

§ 100-1. Intent.

It is the intent of this code to prescribe regulations for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices within the Town of Stoughton. Conditions hazardous to life and property in the use and occupancy of buildings or premises shall also be regulated herein. Compliance with nationally recognized safety standards shall be deemed to be evidence of compliance with this intent. In the event any provision of this code is in conflict with any law, ordinance, bylaw, or any fire prevention rule or regulation of the Department of Public Safety of the Commonwealth of Massachusetts, such law, ordinance, bylaw, rule or regulation shall prevail as long as such conflict remains.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-2. Applicability.**

§ 100-2. Applicability.

- A. The provisions of this code shall apply equally to new and existing conditions. Existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Chief of the Stoughton Fire Department. Efforts to bring nonconforming conditions so deemed into compliance shall be made in a cooperative manner between the property owner and the Stoughton Fire Department.
- B. This code shall not apply to the transportation of any article or articles regulated under the jurisdiction of and in compliance with the requirements of the United States Department of Transportation, nor shall it apply to the armed forces of the United States.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-3. Supplementary requirements.**

§ 100-3. Supplementary requirements.

All matters within the intent of this code not covered in detail herein shall provide reasonable safety to persons and property. Compliance with nationally recognized safety standards shall be deemed to be evidence of compliance with this intent.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /**

ARTICLE I, Standards and Enforcement / § 100-4. Authority.

§ 100-4. Authority.

The Chief of the Stoughton Fire Department, or any inspector thereof, may, at any reasonable hour, enter any building or premises for the purpose of making an inspection or investigation under the provisions of this code and in conformance with MGL c. 148, § 5

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-5. Inspection of buildings and
premises.**

§ 100-5. Inspection of buildings and premises.

It shall be the duty of the Chief of the Stoughton Fire Department to inspect or cause to be inspected by Stoughton Fire Department officers and/or members all buildings and premises, as often as may be prescribed by state regulations, or may be necessary for the purpose of correcting or causing to be corrected, any conditions liable to cause fire or to endanger life and property.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-6. Order to eliminate conditions.**

§ 100-6. Order to eliminate conditions.

Whenever any of the officers, members or inspectors of the Stoughton Fire Department as mentioned in § 100-5 shall find in any building or upon any premises dangerous or hazardous conditions or circumstances, they shall order such dangerous conditions or circumstances removed or remedied in such a manner as may be specified by the Fire Chief as per MGL c. 148, § 5. These conditions may include but are not limited to the following:

- A. Any building or other structure which, for want of repairs, lack of sufficient fire escapes, lack of fire extinguishing equipment, or by reason of age or dilapidated condition, or from other cause, creates a dangerous condition.
- B. Obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Stoughton Fire Department or egress of occupants in case of fire.
- C. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous

materials.

- D. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or hazardous materials.
- E. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other flammable materials.
- F. Accumulations of dust or waste materials in air-conditioning or ventilation systems or in kitchen or other commercial exhaust systems.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-7. Service of orders.**

§ 100-7. Service of orders.

The service of orders for the correction of violations of this code shall be made upon the owner, occupant or other persons responsible for the condition as prescribed in MGL c. 148, § 5. The order of notice shall be served and penalties assessed as per MGL c. 148, §§ 9, 10, 10B, 15, 16, 38D, 38E, 38G, 38H and 527 CMR where and when applicable.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-8. Permits.**

§ 100-8. Permits.

- A. A permit shall constitute permission to maintain, store, or handle materials or to conduct processes as described in the application for permit. It shall not be transferable, and any change in use or intent shall require that a new application be filed.
- B. Before a permit is issued, the Chief of the Stoughton Fire Department or his designee shall make, or cause to be made, any inspection necessary to assure compliance with applicable regulations and this code.
- C. The Fire Chief may revoke a permit or approval issued under this code if any violation is found upon inspection, or for any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-9. Appeals.**

§ 100-9. Appeals.

Whenever the Chief of the Stoughton Fire Department shall disapprove an application or refuse to grant a permit, or when it is claimed the true intent of the code has been misconstrued or misinterpreted, the applicant may appeal the decision of the Chief to the Board of Selectmen within 30 days from the date of the decision to deny the permit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-10. Modifications.**

§ 100-10. Modifications.

The Chief of the Stoughton Fire Department shall have the authority to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the manner of enforcing the code, provided the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon, shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-11. Definitions.**

§ 100-11. Definitions.

The following words, unless a different meaning is required by context or is specifically prescribed, shall have the following meanings:

ALTERATION -- Change in or addition to a building, which reduces the means of exit or fire resistance or changes its structural use or occupancy.

APPROVED -- Accepted by the Fire Chief as a result of his investigation or by reason of testing, listing or approval of the UL, Inc., the National Bureau of Standards, the American Gas Association or other nationally recognized testing agency.

AUTOMATIC FIRE ALARM SYSTEM -- A system, which automatically detects a fire

condition and initiates a fire alarm signal device.

DOT CONTAINER -- Any container approved by the United States Department of Transportation for shipping any liquid, gaseous or solid material of a flammable, toxic or otherwise dangerous nature.

DWELLING UNIT -- One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

FIRE RESISTANCE RATING -- The time materials or construction will withstand the standard fire exposure as determined by a fire test made in conformity with 780 CMR, the Massachusetts State Building Code.

MULTIFAMILY OCCUPANCY -- A building or portion thereof containing two or more dwelling units, including tenement and/or apartment houses.

OWNER -- Shall include a duly authorized agent, attorney, a purchaser or person having a vested or contingent interest in the property in question.

PERSON -- Shall include a corporation and co-partnership as well as individuals.

PREMISE/PREMISES -- Any building or structure or any alley or way adjacent thereto.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-12. Liability for damages.**

§ 100-12. Liability for damages.

This code shall not be construed to hold the municipality responsible for any damages to persons or property by means of the inspection or re-inspection authorized herein, or by failure to inspect or re-inspect, or by the permit issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE I, Standards and Enforcement / § 100-13. Enforcement.**

§ 100-13. Enforcement.

The code hereby adopted shall be enforced by the Chief of the Stoughton Fire Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire**

ARTICLE II, General Precautions Against Fire

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-14. Open-air fires; permits.**

§ 100-14. Open-air fires; permits.

Open-air burning, as regulated by 527 CMR 10.22, shall apply within the context of this code. Such open-air burning is permissible on an annual basis from January 15 to May 1.

- A. No person shall kindle or maintain any outside fire or authorize any such fire to be kindled or maintained on any public land without a permit issued by the Stoughton Fire Department.
- B. No person shall kindle or maintain any outside fire or authorize any such fire to be maintained on any private land without a permit from the Stoughton Fire Department. Said fire must be 75 feet from any structure and 15 feet from the nearest adjoining lot line.
- C. Outside fires shall be attended by a competent person until such fire is extinguished. This person shall have a garden hose or other extinguishing equipment readily available for use.
- D. The Chief of the Stoughton Fire Department may prohibit any and all outside fires when atmospheric conditions or local circumstances make such burning a danger to the community.
- E. Upon receipt of a smoke complaint from a permitted fire that is causing a nuisance, the Stoughton Fire Department shall make an inspection of said complaint. If found to be creating a nuisance, said fire shall be extinguished until such time as atmospheric conditions allow nuisance-free burning.
- F. No person shall kindle a fire upon the land of another without permission of the owner thereof, who shall hold a valid permit from the Stoughton Fire Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /**

ARTICLE II, General Precautions Against Fire / § 100-15. Smoking restrictions.

§ 100-15. Smoking restrictions.

- A. The term "smoking" shall include the carrying of a lighted pipe, cigar, cigarette or tobacco in any form.
- B. Where conditions are such to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly and in open spaces where combustible materials are stored or handled, the Fire Chief is authorized to order the owner or occupant, in writing, to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Fire Chief shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.
- C. "No Smoking" signs required in accordance with Subsection B above shall read, "By Order of the Fire Chief."
- D. It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place where such signs are posted.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-16. Use of propane-fired
devices.**

§ 100-16. Use of propane-fired devices.

Any person using a torch or other propane-fired device for any purposes shall be required to obtain a permit from the Stoughton Fire Department for such use. All operations in the use of the device shall be in conformance with 527 CMR 39.00, "Cutting and Welding Operations."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-17. Placement of
receptacles.**

§ 100-17. Placement of receptacles.

No person shall deposit hot ashes or cinders or smoldering coals or oily substances capable of spontaneous ignition into any combustible receptacle or place the same within 10 feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles,

unless resting on a noncombustible floor or outside a building, shall be placed on noncombustible stands and, in every case, shall be placed at least two feet from any combustible wall or partition or exterior window opening.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-18. Property maintenance.**

§ 100-18. Property maintenance.

Roofs, yards, courts, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of wastepaper, hay, grass, straw, weeds, litter or rubbish of any nature. All weeds, grass, vines or other growth, when same endangers property or is liable to be fired, shall be removed by the owner or occupant of the property in question.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-19. Handling combustible
materials.**

§ 100-19. Handling combustible materials.

- A. No person making, using, storing or having in his/her charge or under his/her control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other waste materials shall fail or neglect at the close of each day to cause all material which is not completely baled or stacked in an orderly manner to be removed from the building or stored in suitable bins or in metal or metal-lined, covered receptacles. The Fire Chief shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of waste materials are not removed at least every second day.
- B. Storage in buildings shall be orderly. No storage shall be allowed within two feet of the ceiling and within 18 inches of sprinkler heads; nor shall such storage be so located as to impair or endanger egress from the building. Storage in open space shall not exceed 20 feet in height and shall be so located with respect to adjacent buildings as not to constitute a hazard.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE II, General Precautions Against Fire / § 100-20. Decorations.**

§ 100-20. Decorations.

Decorative materials used in any building or structure shall conform with the requirements of 527 CMR 21.00, "Decorations."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE III, Fire Protection Equipment**

ARTICLE III, Fire Protection Equipment

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE III, Fire Protection Equipment / § 100-21. Survey of premises and
equipment.**

§ 100-21. Survey of premises and equipment.

The Fire Chief shall inspect each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly and hotel/motel as regulated and shall specify suitable fire detecting and protection devices and/or extinguishing appliances in conformance with 780 CMR, the Massachusetts State Building Code (current edition), 527 CMR, Fire Prevention Regulations and MGL c. 148 when and where applicable. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe systems, fixed or portable fire extinguishers, carbon dioxide or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE III, Fire Protection Equipment / § 100-22. Standpipe system.**

§ 100-22. Standpipe system.

Standpipe systems shall comply with the standards set forth by the NFPA and/or the National Board of Fire Underwriters as approved by the Fire Chief or his/her authorized agent.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE III, Fire Protection Equipment / § 100-23. Maintenance of equipment.**

§ 100-23. Maintenance of equipment.

See MGL c. 148, § 27A.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE III, Fire Protection Equipment / § 100-24. Fire detection systems for
multifamily dwellings.**

§ 100-24. Fire detection systems for multifamily dwellings.

Effective the date of adoption of this chapter by the Town of Stoughton, any alteration of an existing building with the intent of multifamily occupancy, or any new construction of multifamily dwellings, shall be equipped with an approved fire detection system as specified in 780 CMR, the Massachusetts State Building Code, current edition.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE IV, Penalties; Underground Storage Tanks**

ARTICLE IV, Penalties; Underground Storage Tanks

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE IV, Penalties; Underground Storage Tanks / § 100-25. Violations and
penalties.**

§ 100-25. Violations and penalties.

The provisions of this chapter may be enforced by the Fire Chief, Deputy Fire Chief or the Fire Prevention Inspector, or any officer or member so designated by the Fire Chief, after an initial written warning, by noncriminal complaint, pursuant to the provisions of MGL c. 140, § 21D.

Each day on which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this chapter for purpose of noncriminal disposition shall be \$50 per day, for so long as the violation continues to exist.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE IV, Penalties; Underground Storage Tanks / § 100-26. Underground
storage tank testing.**

§ 100-26. Underground storage tank testing.

All underground storage tanks in the Town of Stoughton shall be tested as specified in 527 CMR 9.00, "Tanks and Containers." Testing shall be conducted under the direction of the Fire Chief or his/her authorized agent. If necessary, the Fire Chief or his/her authorized agent shall order further testing to determine loss of product. Further testing may include, if necessary, excavation of the tank for visual inspection and replacement of the tank if found to be defective.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE V, Key Lock Boxes; Abandoned or Dangerous Buildings**

ARTICLE V, Key Lock Boxes; Abandoned or Dangerous Buildings

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE V, Key Lock Boxes; Abandoned or Dangerous Buildings / § 100-27.
Secured key lock box.**

§ 100-27. Secured key lock box.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE V, Key Lock Boxes; Abandoned or Dangerous Buildings / § 100-28.
Abandoned or dangerous buildings.**

§ 100-28. Abandoned or dangerous buildings.

- A. The owner of any unoccupied, abandoned, or otherwise vacant property shall, within 30 days of said vacancy, notify the Stoughton Fire Department of such conditions. Copies of floor plans of the structure shall be provided at this time. Doors and windows shall be secured with due diligence, to prevent unauthorized access by the public.
- B. Should the structure be equipped with an automatic sprinkler system and/or fire alarm system, both systems shall continue to be maintained and monitored.
- C. The Stoughton Fire Department must be informed of any chemicals, solvents or other dangerous substances as well as the location of said substances in the building or on the property. Interior walls and/or partitions constructed of, or partially containing, any hazardous or combustible material shall be identified on the floor plans.
- D. Removal and disposal of all hazardous or combustible materials shall be performed in accordance with applicable local, state, and federal regulations.
- E. This chapter shall incorporate applicable portions of 780 CMR 121.7, "Standards for making buildings safe or secure" (Massachusetts State Building Code) and 527 CMR 10.13(7), "Marking or identifying certain buildings that are especially unsafe in the case of fire."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE VI, Imminently Dangerous Conditions [Added 5-7-2007 ATM, Art. 67]**

ARTICLE VI, Imminently Dangerous Conditions [Added 5-7-2007 ATM, Art. 67]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE VI, Imminently Dangerous Conditions [Added 5-7-2007 ATM, Art. 67] /
§ 100-29. Purpose.**

§ 100-29. Purpose.

- A. In order to avoid relocating persons from, or evacuation of, any building, structure, place of business, place of habitation or vacant or abandoned building or structure which in the judgment of the head of the Fire Department is imminently dangerous or presents the existence of conditions likely to cause fire, explosion, or harm, the head of the Fire Department may order the owner, agent, or manager of such a building, structure, business or place of habitation to provide a temporary fire/safety watch and/or emergency medical detail if the head of the Fire Department determines a reasonable level of fire or life safety may be obtained.
- B. Situations that may require a detail(s) include, but are not limited to the following list:
 - (1) Occupied building without properly working fire/sprinkler system.
 - (2) Blasting operations.
 - (3) Parades and road races that have potential for medical type emergencies.
 - (4) Larger than normal gathering (example: entertainment venue).

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE VI, Imminently Dangerous Conditions [Added 5-7-2007 ATM, Art. 67] /
§ 100-30. Rules and regulations.**

§ 100-30. Rules and regulations.

- A. EMS protocols and in the use of fire extinguishers and building warning/evacuation devices, understand the particular needed resources and communicate that to the dispatch center and remain alert and undistracted during his/her assignment.
- B. The owner of any building, structure, place of business, place of habitation or vacant or abandoned building or structure which in the judgment of the head of the Fire Department is imminently dangerous or presents the existence of conditions likely to cause harm shall be responsible for all costs associated with such assignments.
- C. The head of the Fire Department shall determine the number of personnel, his/her qualifications that may include rank and the cost per hour for a particular detail.
- D. The billing cycle will coincide with the payroll cycle; however the bill is due and payable

within 30 days from invoice date.

- E. Funds collected shall be deposited into the Fire Department detail account so as to not incur any cost associated with said details to the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 100, FIRE PREVENTION /
ARTICLE VI, Imminently Dangerous Conditions [Added 5-7-2007 ATM, Art. 67] /
§ 100-31. Penalties for failure to pay.**

§ 100-31. Penalties for failure to pay.

If such funds are not reimbursed to the Town of Stoughton after the first billing, the second notice of payment due may include up to a 10% administration fee; failure to pay shall constitute a lien on the property and/or forfeiture of any/all operating license(s).

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION**

Chapter 107, GROUNDWATER PROTECTION

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 4-30-1990, Art. 1 (Ch. 77 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

**Hazardous waste -- See Ch. 113.
Site plan review -- See Ch. 149.
Wetlands protection -- See Ch. 191.
Zoning -- See Ch. 200.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-1. Authority.**

§ 107-1. Authority.

This chapter is adopted by the Town of Stoughton under its home rule powers, its police powers to protect the public health and welfare, and its authorization under MGL c. 40, § 21.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-2. Purpose.**

§ 107-2. Purpose.

This chapter is intended to protect the public health, safety and welfare, by preserving and maintaining the existing and potential groundwater supply, groundwater recharge areas, including surface waters within the Town of Stoughton; to preserve and protect present and potential sources of water supply for the public health and safety; to conserve the natural resources of the Town; and to prevent blight and the pollution of the environment from contamination with hazardous materials.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-3. Definitions.**

§ 107-3. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

AQUIFER -- Geological formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

CONTINGENCY PLAN -- A document setting an organized, planned and coordinated course of action to be followed in the case of a fire, explosion, or release of hazardous waste which could threaten public health, safety, or welfare, or the environment.

DISCHARGE -- The disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of hazardous material into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment.

GROUNDWATER -- All the water found beneath the surface of the ground.

HAZARDOUS MATERIALS -- A product or waste or combination of substances which, because of quantity, concentration, or physical or chemical, or infectious or radioactive characteristics, may reasonably pose, in the determination of the enforcing authority, a substantial present or potential hazard to human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance which may create a special hazard in the event of a spill, leak, fire or exposure; and all substances deemed to be hazardous waste as defined in MGL c. 21C, § 2, and the Hazardous

Waste Regulations promulgated thereunder by the Massachusetts Department of Environmental Protection ("DEP") at 310 CMR 30.010 in amounts in excess of those normally used in household maintenance or other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act, 15 USC 2601 et seq.; (2) Federal Insecticide, Fungicide and Rodenticide Act, 7 USC 136 et seq.; (3) Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC 9601 et seq.; and (5) Federal Water Pollution Control Act, 33 USC 1251 et seq.

IMPERVIOUS SURFACE -- Material on the ground that does not allow surface water to penetrate into the soil.

LEACHABLE WASTES -- Waste materials, including solid wastes, sewage and sludge, that are capable of releasing waste-borne contaminants to the surrounding environment.

MATERIALS SAFETY DATA SHEET -- The form containing data on physical characteristics, flammability, explosivity, reactivity, and the health and safety hazards of specific chemicals, as well as information relative to procedures recommended for spills and leaks of specific chemicals and special protections and precautions to be taken in the handling of specific chemicals.

MINING OF LAND -- The removal or relocation of geological materials such as topsoil, sand and gravel, metallic ores, or bedrock.

RECHARGE AREAS -- Areas composed of permeable stratified sand and gravel and certain wetlands that collect precipitation or surface water and carry it to aquifers.

REPORTABLE DISCHARGE -- All discharges greater than three gallons' liquid volume or five pounds' dry weight, or any discharge which would potentially threaten the public health and safety or the environment by entering surface waters, groundwaters, or water recharge areas, or which, by emitting toxic fumes or gases into the air, could pose a threat of contamination to groundwater. Discharges which are in compliance with all federal, state and local regulations, or which are permitted by governing federal, state or local agencies, are not considered reportable discharges.

SOLID WASTES -- Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

USE OF HAZARDOUS MATERIALS -- The handling, generation, transportation, storage or management of hazardous materials.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-4. Severability.**

§ 107-4. Severability.

Each provision of this chapter shall be construed as separate to the end that if any provision, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-5. Hazardous materials not subject to regulation.**

§ 107-5. Hazardous materials not subject to regulation.

The following materials are not within the scope of authority of this chapter, except for the disposal and storage requirements set forth in § 107-9:

- A. Domestic sewage.
- B. Household waste, including garbage, trash, and septage from single and multiple residences, hotels and motels.
- C. Wastes generated from the growing of agricultural crops and the raising of animals, including manure, which are returned to the soil as fertilizer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-6. Establishment and delineation of aquifer protection area.
[Adopted 5-3-1993 ATM, Art. 53, approved 10-27-1993]**

**§ 107-6. Establishment and delineation of aquifer protection area. [Adopted 5-3-1993
ATM, Art. 53, approved 10-27-1993]**

- A. For the purposes of this chapter, there are hereby established within the Town certain aquifer protection areas, consisting of aquifers and/or aquifer recharge areas, including areas that through hydrogeological testing are considered for potential public water supply, which are delineated on a map entitled "Town of Stoughton, Massachusetts Town-Wide Hydrogeologic Study, Hydrogeologic Zone Delineations and Groundwater Protection Areas, Camp, Dresser

& McKee, Inc. Environmental Engineers, Cambridge, Massachusetts, Scale: one inch equals 1,200 feet, January 1993, and as it may be amended from time to time by vote of Town Meeting based on information developed through hydrogeologic investigations. This map is part of the general bylaw on file with the office of the Town Clerk.

B. The aquifer protection area is further described as follows:

(1) The protection areas delineated as Zone II and Zone IIIA on the above-referred to map.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-7. Annual registration requirements; existing use of
hazardous materials within aquifer protection area.**

**§ 107-7. Annual registration requirements; existing use of hazardous materials within
aquifer protection area.**

A. Every owner or operator of a commercial or industrial establishment (including municipal operations) located within the aquifer protection area which uses hazardous materials shall register with the Board of Health. Registration includes the following:

- (1) Submission of a map or written description locating areas where hazardous materials are stored, handled, or in use, specifying approximate average quantities of materials in each location and special handling required in a fire, leak, spill, or exposure. Areas must also be identified which store emergency equipment, including medical supplies, along with a brief description of the capabilities of the equipment. This map or written description must also be posted in one of the following on-site locations: (a) guard shack, (b) fire alarm box, (c) sprinkler riser, (d) other location acceptable to the head of the Fire Department. The location of this posting must be specified during registration.
- (2) Submission of names, addresses, and telephone numbers of all qualified "emergency coordinators," who are individuals identified by owners or operators of commercial or industrial establishments which must register in accordance with this chapter. Emergency coordinators must be knowledgeable in the types of hazardous materials used at the establishment, proper storage and handling of those materials, familiar with the establishment's emergency contingency plan, and authorized as on-site coordinator in the event of an emergency.
- (3) Keeping on file at all times in an on-site location known and accessible to all emergency coordinators, material safety data sheets on all hazardous materials manufactured, stored, or used at the establishment. These material safety data sheets must be available to the Board of Health and the head of the Fire Department during routine inspections,

investigations and in the event of an emergency.

- (4) Keeping on file at all times in an on-site location known and accessible to all emergency coordinators an emergency contingency plan which identifies emergency coordinators and details the area where and ways in which an emergency could come about, the techniques and procedures to be used for prevention and control of such emergencies, the emergency organizations who should be notified and/or may provide services in an emergency, evacuation plan for personnel, and an inventory of the types, approximate quantities, and method of storage, transportation, and disposal of all hazardous materials.
- B. Effective date of registration. Registration required by § 107-7 shall be initially submitted October 1, 1990, and annually thereafter. Records required by § 107-7 to be kept on file at each establishment should be updated as frequently as necessary to insure proper handling of hazardous materials and adequate procedures to minimize emergencies and the damage which would result from such emergencies.
- C. Updating of registration information. All information required under § 107-7 of this chapter must be kept current to reflect substantial changes in quantities or types of hazardous materials on site.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-8. Certificates of approval for new uses of hazardous
materials within aquifer protection area.**

**§ 107-8. Certificates of approval for new uses of hazardous materials within aquifer
protection area.**

A certificate of approval of registration shall be required and obtained from the Board of Health for all uses of hazardous materials requiring registration in accordance with § 107-7, prior to the operation of said establishment, to determine that the provisions of this chapter have been met. Thereafter, annual registration as required in § 107-7 is required.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-9. Uses permitted and prohibited in aquifer protection area;
management plans.**

§ 107-9. Uses permitted and prohibited in aquifer protection area; management plans.

In order to protect and preserve existing and potential drinking water sources, the following regulations apply within the aquifer protection area:

A. The following activities are permitted within the aquifer protection area, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- (1) Conservation of soil, water, plants and wildlife;
- (2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- (3) Foot, bicycle and/or horse paths and bridges;
- (4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (5) Maintenance, repair and enlargement of any existing structure, provided there is no increase in impermeable pavement;
- (6) Residential development, provided that on-site recharge is required for all surfaces rendered impervious in excess of 15% of lot area;
- (7) Farming, gardening, nursery, conservation, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides and other leachable materials are not stored outdoors.

B. The following activities are prohibited within the aquifer protection area:

- (1) Disposal of solid wastes, other than brush and stumps;
- (2) Underground storage of hazardous materials except for the continued use of underground petroleum products storage vessels already constructed and in use as of the date of the vote to adopt this chapter which are operated in accordance with an approved management plan as specified in the following Subsections C and D;
- (3) Commercial or industrial aboveground storage of petroleum products except within buildings which they will heat. Exempted storage must be designed to contain spills and prevent any flow of petroleum product to floor drains or exposed soils;
- (4) The disposal of liquid or leachable wastes and individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of

sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design; [Amended 5-5-1992 ATM, Art. 36]

- (5) The introduction of acids, enzymes, degreasers, or bacterial additives into on-site septage disposal systems;
 - (6) Commercial or industrial activities which discharge process waste water on-site;
 - (7) Storage of road salt or other deicing chemicals;
 - (8) Dumping of snow containing deicing chemicals which is brought in from outside the area;
 - (9) Mining of land except as necessary and incidental to a permitted activity;
 - (10) Discharge or disposal of hazardous wastes;
 - (11) Use of chemicals for deicing unless deemed necessary for public safety;
 - (12) Commercial or industrial activities which recharge stormwater to groundwater without passage through oil and grease traps and sediment traps constructed, operated, and maintained to minimize groundwater contamination, permitted and conducted in accordance with all applicable federal, state and local regulations;
 - (13) Landfilling of sludge or septage as defined in 310 CMR 32.05; [Added 5-5-1992 ATM, Art. 36]
 - (14) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 3231; [Added 5-5-1992 ATM, Art. 36]
 - (15) Commercial or industrial generation, treatment or storage of hazardous wastes subject to MGL c. 21C and 310 CMR 30.00 not already being lawfully conducted and registered in accordance with this chapter, with the exception of very small quantity generations as defined under 310 CMR 30.00; waste oil retention facilities required by MGL c. 21, § 52;EN(5) and water remediation treatment works approved under 310 CMR 5.00. Exempted activities may only commence after a certificate of approval has been issued by the Board of Health in accordance with § 107-8. [Added 5-5-1992 ATM, Art. 36]
- C. The following activities are permitted within the aquifer protection area if conducted in accordance with a management site plan approved by the Board of Health, in addition to the registration information required in § 107-7, under such conditions as it may require:
- (1) The application of pesticides for nondomestic or nonagricultural activities, provided that

all necessary precautions shall be taken to prevent hazardous concentrations of pesticides in the water and on the land within the aquifer protection area as a result of such application. Such precautions shall be detailed in an approved management and site plan which will include, but not be limited to, erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and redeposition of pesticides and the lateral displacement (i.e., wind drift) of pesticides;

- (2) The application of fertilizers for nondomestic or nonagricultural activities, provided that such application shall be made strictly in accordance with an approved management and site plan, delineating at a minimum the manner in which the application is to be performed in order to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation;
- (3) Commercial and industrial development shall require an approved management and site plan detailing measures to be taken to prevent compaction and siltation, loss of recharge in excess of 15% of lot area, exfiltration for sewer pipes and contamination by oil, chemicals, nutrients, etc.
- (4) The continued use of underground petroleum storage vessels already constructed and in use as of the date of the vote to adopt this chapter, provided that the storage is conducted in accordance with an approved management plan detailing a testing program sufficient to detect product loss. Other precautions taken to prevent and detect any loss of product to soils or groundwater and the resulting contamination must also be submitted detailing the age and construction of the vessels, and any monitoring equipment or observation wells on site.
- (5) The continued operation of automobile services and repair shops already constructed and in operation as of the date of the vote to adopt this chapter, provided that all activities are conducted in accordance with an approved management and site plan specifying storage, use and handling of all hazardous materials, as well as all precautions taken to minimize spills and prevent the release of contaminants to the soil and groundwater.
- (6) The continued operation of junk and salvage yards already in operation as of the date of the vote to adopt this chapter, provided that:
 - (a) An assessment of the site is conducted in accordance with MGL c. 21E to identify the existence, source, nature and extent of a release or threat of release of a hazardous material, as defined in this chapter; a copy of the assessment to be provided to the Board of Health prior to or in conjunction with the submittal of a management plan.

- (b) All activities on the site are conducted in accordance with an approved management plan and site plan specifying the response action to be taken on the site to address releases or threat of releases, including soil and/or groundwater monitoring, and specifying the storage, use and handling of all hazardous materials, as well as precautions taken to minimize spills and prevent the release of contaminants to the soil and groundwater.
- D. Procedures for submittal and review of management plans in accordance with the requirements of Subsection C.
- (1) A management plan shall be filed with the Board of Health and shall be accompanied by six copies of a site plan prepared in accordance with Board of Health rules and regulations. Management plans for activities delineated in § 107-9, Subsections C(5), (5) and (6) shall be submitted by October 1, 1990.
 - (2) Said management plan and site plan shall be prepared in accordance with the data requirements of Subsection C above for the proposed development, (e.g., site plan review, erosion and sedimentation control plan, etc.).
 - (3) The Board of Health shall refer copies of the management plans and site plans to the Board of Selectmen, Conservation Commission, Town Engineer and the Department of Public Works, which shall review, either jointly or separately, the application and shall submit their recommendations to the Board of Health. Failure to make recommendations to the Board of Health within 35 days of the referral of the application shall be deemed lack of opposition.
 - (4) The Board of Health shall hold a hearing within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first class mailings to direct abutters at the expense of the applicant. The decision of the Board of Health, and any extension, modification or renewal thereof, shall be made in writing. Failure of the Board of Health to issue a written decision within 90 days of the filing date of the application shall be deemed as an approval of the plans.
 - (5) After notice and public hearings, and after due consideration of the reports and recommendations of the boards/departments, the Board of Health may approve a management plan and site plan, provided that it finds that the proposed activity:
 - (a) Is consistent with the purpose and intent of this chapter;
 - (b) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
 - (c) Will not, during construction or thereafter, have an adverse environmental impact on

the aquifer or recharge area; and

(d) Will not threaten or adversely affect an existing or potential water supply.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-10. Hazardous materials storage and handling.**

§ 107-10. Hazardous materials storage and handling.

All hazardous materials within the Town of Stoughton must be stored, handled, transported and used in such a way as to minimize discharges and to ensure maximum protection of the groundwater and the public health, safety, and welfare.

- A. All commercial and industrial establishments (including municipal operations) must provide adequate employee training programs to ensure proper use, storage, transportation and handling of hazardous materials.
- B. Owners and operators of establishments must keep sufficient records to provide best estimates of quantities of hazardous materials on site.
- C. All locations where hazardous materials are stored or generated in quantities that could cause a substantial hazard in the event of a spill, leak, fire, or exposure shall be designated with legible warning signs of bright yellow, or other equally conspicuous color, indicating the potential danger and how to overcome or avoid such danger.
- D. All hazardous materials shall be held in product-tight containers. All containers of hazardous materials which permit leaking or spillage shall be disposed of or repaired to their original product-tight state.
- E. Every owner of a commercial or industrial establishment (including municipal operations) shall comply with all federal, state, and municipal laws and regulations relative to hazardous materials.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-11. Aboveground storage of hazardous materials.**

§ 107-11. Aboveground storage of hazardous materials.

- A. Aboveground containers of hazardous materials shall be kept in an orderly manner, shall be adequately marked to identify the hazard, and shall be stored on a surface impervious to the

material being stored. The storage area shall be enclosed by a permanent dike of impermeable construction. The volume of the areas enclosed by the dike shall be equal to or greater than the capacity of the containers within the dike.

- B. There shall be no storage of incompatible materials (those which react with one another to create a special hazard) in the same area.
- C. Drainage and ventilation of storage areas containing hazardous materials shall be constructed and maintained so as to control spills and prevent the release of fumes, gases and other discharges which may pose a threat of groundwater contamination.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-12. Reporting requirements.**

§ 107-12. Reporting requirements.

Any person having knowledge of a reportable discharge of hazardous materials shall immediately report the discharge to the Board of Health and, if involving flammable or explosive materials, to the head of the Fire Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER
PROTECTION / § 107-13. Variances.**

§ 107-13. Variances.

The Board of Health may vary the application of any provision of this chapter, with the exception of § 107-9, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this chapter will still be achieved. The applicant, at its own expense, must notify all abutters by certified mail at least 10 days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons thereof. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for denial. The Board of Health may, as an alternative to denial of a variance, impose such conditions as it deems necessary to contribute to the environmental protection required under this chapter.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER PROTECTION / § 107-14. Enforcement.

§ 107-14. Enforcement.

- A. The Board of Health or its agent(s) shall be the enforcing authority of the chapter.
- B. The Board of Health or its agent(s) may enter upon privately owned property for the purpose of performing its duties under this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER PROTECTION / § 107-15. Violations and penalties.**

§ 107-15. Violations and penalties.

Any person who violates any provision of this chapter shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. This chapter may be enforced pursuant to MGL c. 40, § 21D. When enforced pursuant to MGL c. 40, § 21D, the penalty shall be \$100 per day.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 107, GROUNDWATER PROTECTION / § 107-16. Fees.**

§ 107-16. Fees.

The fee for registering storage of hazardous materials pursuant to § 107-7 shall be \$25, payable on the same date as the annual registration. The application fee for a certificate of approval pursuant to § 107-8 shall be \$50. The application fee for review of a management and site plan in accordance with § 107-9, Subsections C and D, must be accompanied by a fee of \$50.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 109, HANDBILLS AND POSTERS**

Chapter 109, HANDBILLS AND POSTERS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 2-6-1939, Art. 8,

as Section 3 of the 1939 Bylaws, approved 4-3-1939 (Ch. 75 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 109, HANDBILLS AND
POSTERS / § 109-1. Distribution of papers, circulars or advertisements.**

§ 109-1. Distribution of papers, circulars or advertisements.

No person shall distribute papers, circulars or advertisements through the Town in such a manner as to create litter or a disturbance.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE**

Chapter 113, HAZARDOUS WASTE

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-15-2002, Art. 17 (Ch. 78 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Groundwater protection -- See Ch. 107.
Wetlands protection -- See Ch. 191.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE I, Authority, Purpose and Definitions**

ARTICLE I, Authority, Purpose and Definitions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE I, Authority, Purpose and Definitions / § 113-1. Authority.**

§ 113-1. Authority.

This chapter is adopted by the Town under its home rule authority, its police powers to protect the public health safety and welfare and its authorization under MGL c. 40, § 21, MGL c. 111, § 31, and MGL c. 148, §§ 9 and 13.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE I, Authority, Purpose and Definitions / § 113-2. Purpose.**

§ 113-2. Purpose.

The purpose of this chapter is to protect, preserve and maintain the Town's existing and potential groundwater supply, groundwater recharge areas, surface waters, air quality and natural environment and to assure public health and safety through the proper management of hazardous materials and waste.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE I, Authority, Purpose and Definitions / § 113-3. Definitions.**

§ 113-3. Definitions.

The following terms shall be the following meanings in this chapter:

ABNORMAL LOSS OF MATERIAL OR WASTE -- A loss of greater than 0.001% of the material stored over a period of one calendar month, unless such limit is unmeasurable, in which case the Board of Health shall set the limit.

BIODEGRADABLE -- A product or material which decomposes at a significant rate into nontoxic materials by natural biological processes.

CMR -- The Code of Massachusetts Regulations.

CONTAINER -- Any portable device in which hazardous materials or wastes are stored, transported, treated, disposed of or otherwise handled.

DEP -- The Department of Environmental Protection and/or its successors.

DISCHARGE -- The disposal, deposit, injection, dumping, spilling, leaking, escape, incineration or placing of any hazardous material or waste, into or on the land, water or air. Discharge includes, without limitation, leakage of such hazardous materials or wastes from containers, tanks or storage systems, or disposal of such materials or wastes into any sewage

disposal systems, dry well, catch basin or landfill.

FIRE CHIEF -- The Fire Chief of the Town of Stoughton and shall include any designee of the Fire Chief.

HAZARDOUS MATERIAL GENERATOR -- Any commercial enterprise, government agency, owner or operator who produces, prepares, imports or compounds hazardous material or waste by combining previously nonhazardous materials to create hazardous materials.

HAZARDOUS MATERIAL OR WASTE -- Any substance, including petroleum, derivatives thereof, or metals, or combination of substances which, because of their quantity, concentration, physical, chemical, infectious, corrosive, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment. Any substance regulated under applicable Stoughton Board of Health regulations and under any state or federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered hazardous material or waste.

HAZARDOUS MATERIAL USER -- Any commercial enterprise, government agency, owner or operator who utilizes hazardous materials or waste, for any purposes other than those specifically exempt from the requirements of this chapter under § 113-5.

HAZARDOUS WASTE RECYCLER -- Any commercial enterprise, government agency, owner or operator who separates hazardous materials from discarded products or materials as a business.

OWNERS or OPERATORS -- Each and every person who alone or severally with others has legal title to any property on which is located any hazardous material or waste subject to this chapter; or a tenant, licensee or person in possession, who has care, charge or control of any such property, in any capacity, including without limitation agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or agent, trustee or a person appointed by a court of competent jurisdiction; or a mortgagee in possession of such property. Each and every such person is bound to comply with the provisions of this chapter as if he were an owner.

STORAGE -- The holding of any hazardous materials or wastes in one location for more than 24 hours.

STORAGE SYSTEM -- One or more tank(s), and all connecting pipes, valves or other devices appurtenant thereto.

TANK -- Any stationary device used to store or to contain an accumulation of hazardous materials or wastes.

UNDERGROUND STORAGE SYSTEM -- A system in which any or part of any of the tanks,

connecting pipes, valves or other devices are buried below the surface of the ground unless otherwise specified by the Board of Health.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions**

ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions /
§ 113-4. Prohibitions.**

§ 113-4. Prohibitions.

- A. There shall be no discharge of hazardous materials or wastes within the Town of Stoughton through land, water, or air transmission without a permit for such action by an authorized agent of a federal or state agency or without a hearing from the Board of Health unless otherwise excepted or exempted under this chapter.
- B. There shall be no discharge of hazardous materials or wastes within the aquifer protection zones designated in Chapter 107, Groundwater Protection, as amended May 3, 1993, and subsequent amendments thereof, either through land, water or air transmission unless otherwise excepted or exempted under this chapter.
- C. There shall be no new installations of underground storage tanks for hazardous materials or waste within the aquifer protection zones designated in Chapter 107, Groundwater Protection, as amended May 3, 1993, or within the floodplains, defined by the Town of Stoughton Zoning Bylaw Maps or by the Federal Emergency Management Agency's most recent Flood Insurance Rate Maps, as amended; or within 500 feet of a surface water body, wetland, or private well. Replacement of underground storage tanks for flammable materials that pre-exist this chapter shall be allowed only after the Fire Chief or his designee determines that aboveground storage of the flammable and/or combustible material would create a fire and/or explosion hazard.
- D. No area within which hazardous materials or waste are used, stored or generated may contain a floor drain that leads to a storm drain or a septic system. Floor drains in such areas shall drain into containment vessels for removal by a DEP-approved hazardous waste carrier. All

other drains shall be permanently sealed off.

- E. No residues or waste waters resulting from hazardous material or waste spill clean-up procedures shall be disposed of into drains or other facilities leading to storm drains or septic systems or into any Stoughton pump-out stations. All such residues and waste waters shall be contained for removal by a DEP-approved hauler.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions /
§ 113-5. Exceptions.**

§ 113-5. Exceptions.

Applications of fertilizers, herbicides and pesticides used in accordance with applicable local, state and federal regulations shall be exempt from § 113-4 of this chapter; in addition, applications of deicing chemicals in conformance with the Massachusetts Snow and Ice Control Program, applications of swimming pool chemicals, and applications of water treatment chemicals by the Stoughton Water Department. This chapter shall not apply to discharge of ordinary sanitary wastewater into a septic system installed in accordance with applicable state and local regulations or to ordinary uses of household or garden products used in accordance with applicable labeling instructions from state and federal law. Nothing in this chapter prohibits the Board of Health from limiting or prohibiting the use of any such product by appropriate regulations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions /
§ 113-6. Reporting of discharges.**

§ 113-6. Reporting of discharges.

Owners or operators shall immediately report any discharge or abnormal loss of hazardous materials or waste and shall provide a reasonable estimate of the nature and quantity of the discharged hazardous materials or wastes and supply pertinent material safety data sheets to the Fire Chief, the Board of Health, the Hazardous Materials Coordinator, Local Emergency Planning Committee and the appropriate office in the DEP. These reporting requirements are in addition to all state and federal reporting requirements.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE II, Prohibitions, Discharge Reporting and Remedial Actions /
§ 113-7. Remedial actions following discharges.**

§ 113-7. Remedial actions following discharges.

- A. Any discharge of hazardous material or waste shall be immediately contained and reported. Immediate clean-up activities of significant discharges shall be taken under the direction of the Fire Chief, the Board of Health Hazardous Materials Coordinator, and/or other applicable agency. Clean up and proper disposal of any discharged or abnormally lost hazardous material or waste shall be the responsibility of the owner or operator, hazardous material generator, or user, including cost of the clean up and disposal.
- B. Following the immediate assessment according to § 113-6 and containment of any hazardous material or waste discharge, a detailed report on the spill, remedial procedure plan and a schedule for all ongoing clean-up actions to be undertaken shall promptly be submitted to the Fire Chief and the Board of Health. Action shall not be taken unless the Fire Chief and Board of Health deem that the remedial procedure will not contribute to a fire, explosion and/or environmental hazard. A detailed report on the spill and a remedial plan shall be submitted to the Fire Chief and Board of Health.
- C. Collection and disposal of contaminated material shall be conducted by a handler that is licensed by the DEP.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste**

ARTICLE III, Permits and Accounting for Hazardous Materials and Waste

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-8. Permit required.**

§ 113-8. Permit required.

- A. Any hazardous materials or waste generator or user of hazardous materials or waste which exceeds the thresholds in Subsection B, including residential tanks as specified in § 113-19D, must obtain a permit from the Board of Health to store, use or generate hazardous materials or wastes. The permit shall be granted for one year, and may be renewed by the Board of Health or the Hazardous Materials Coordinator, unless there has been a substantial change in the quantity, type, or method of storage, generation or use, or the Board of Health or the Hazardous Materials Coordinator concludes for any reason that re-issuance of the permit should be reviewed by the Board. This permit shall be in addition to any license required in accordance with MGL c. 148, § 13, and/or any permit required in accordance with 527 CMR 14.00 or any other fire prevention regulation.
- B. A permit must be obtained for hazardous materials and wastes when use, generation or storage are above the following thresholds:
- (1) Small-scale or large-scale generator as defined in the Massachusetts Hazardous Waste Management Act, MGL c. 21C, and the Federal Resource Conservation and Recovery Act, 42 USC 6901 et seq., or as defined in any subsequent amendments or new regulations; or generation in excess of 100 kilogram/month of hazardous waste or materials, whichever is the smallest quantity.
 - (2) Any storage or use within a twenty-four-hour period exceeding 25 gallons' liquid volume or 25 pounds' dry weight of any hazardous material or waste, except for retail sale.
 - (3) Storage, use or generation of any quantity of any chemical on the List of Extremely Hazardous Materials, as published in the Federal Register Volume 52, Number 77, April 22, 1987, and any additional chemicals added subsequently.
 - (4) Storage of any hazardous materials or waste overnight in delivery trucks or tank trailers.
 - (5) Storage of more than 50 gallons or 50 pounds' dry weight of any prepackaged hazardous materials for retail sale.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-9. Application information.**

§ 113-9. Application information.

The following information shall be supplied with the application for a permit:

- A. A list of the size, type, age and location of each container or tank, regardless of size. Evidence of the date of purchase and installation shall be included for existing storage systems. A plot plan showing the location of all containers, tanks, drains and piping on the property, both inside and outside buildings. In complex applications, the Hazardous Materials Coordinator and/or the Board of Health may require a plot plan certified by a professional land surveyor. Any changes in the information contained in the initial application, including any change in the use of the storage system, shall be reported immediately.
- B. A list of daily amounts stored, used or generated and estimate of yearly throughput of all hazardous materials and waste to be used, stored or generated on the site, and copies of pertinent material safety data sheets.
- C. Documentation stating that all information previously filed with the Board of Health is correct, or indicating a change in the status of the existing permit, shall be submitted annually. A new permit shall be obtained within 30 days from the Board of Health whenever:
 - (1) There is any change in the type or method of generation, use or storage, or significant change in the quantity or composition of hazardous materials or wastes previously permitted.
 - (2) The method of storage, generation or use fails to comply with information previously submitted to the Board of Health.
 - (3) The Board of Health may require additional information if it is necessary to adequately evaluate the application.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-10. Exceptions to permit requirement.**

§ 113-10. Exceptions to permit requirement.

Permits shall not be required under this chapter for the following:

- A. Septic systems.

- B. Gasoline and diesel fuel stored in tanks mounted on a vehicle and used solely to fuel the same vehicle.
- C. Hydraulic oil reservoir tanks on heavy vehicular equipment.
- D. Use of domestic biodegradable cleaners for residential and business maintenance.
- E. Aboveground residential oil tanks in place and in use prior to passage of this chapter. New residential oil tanks require permits as noted in § 113-19D of this chapter, provided that a permit has also been obtained from the Fire Chief.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-11. Permit conditions.**

§ 113-11. Permit conditions.

The Board of Health may impose conditions on any storage permit as necessary to serve the purposes of this chapter or to protect the public health and environment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-12. Requirements for approval of permit.**

§ 113-12. Requirements for approval of permit.

Hazardous materials and waste permits, with the exception of aboveground residential home heating oil tanks, shall be granted by the Board of Health only if the following criteria are fulfilled:

- A. The proposed storage use or generation system shall provide adequate discharge-prevention safeguards which are appropriate to the materials and wastes to be stored, used or generated and to the location of the storage, use or generation.
- B. The proposed storage, use or generation system shall comply with all local, state and federal regulations.
- C. The proposed storage, use or generation system shall not cause a threat to the public health and safety or to the environment.

- D. The applicant has established a satisfactory hazardous materials and waste discharge contingency plan.
- E. All hazardous materials or wastes to be stored above ground shall be stored in product-tight containers on an impervious, chemical-resistant surface, under cover and sheltered from the weather unless otherwise specified by the Board. The storage area shall be enclosed with a permanent dike of impervious construction providing a volume of at least 100% of the maximum volume of the largest single container or tank plus 10% of the total storage capacity. All outdoor storage areas shall be surrounded by a five-foot fence, at a minimum, and shall be locked at all times when unattended.
- F. Hazardous waste shall be held on the premises for removal by a licensed carrier in accordance with the Massachusetts Hazardous Waste Management Act, MGL c. 21C.
- G. Owners or operators shall park delivery trucks or tank trailers only in designated overnight parking areas approved by the Board of Health and Fire Department. These parking areas must allow for detection and containment of discharge from the parked vehicles that are acceptable to the Board of Health and Fire Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-13. Inventory and monitoring of aboveground storage systems.**

§ 113-13. Inventory and monitoring of aboveground storage systems.

All hazardous materials stored above ground, with the exception of residential home heating oil tanks, shall be monitored weekly unless more frequent monitoring is specified in the permit. Monitoring shall consist of a thorough visual inspection of the container(s) and tank(s) and stock(s) of materials as well as the dike area for deterioration, leakage or unaccounted for loss of materials.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE III, Permits and Accounting for Hazardous Materials and
Waste / § 113-14. Record retention.**

§ 113-14. Record retention.

Throughout the permit period, owners, users, generators, or operators shall keep copies of all

hazardous waste transport manifests on-site, as required under the Resource Conservation and Recovery Act, 42 USC 6901 et seq., and the Massachusetts Hazardous Waste Management Act, MGL c. 21C. If a hazardous waste generator is exempt from the manifest requirements, sufficient proof of a proper disposal method shall be maintained.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE IV, Underground Storage of Flammable or Combustible
Products and Hazardous Materials or Wastes**

**ARTICLE IV, Underground Storage of Flammable or Combustible Products and
Hazardous Materials or Wastes**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE IV, Underground Storage of Flammable or Combustible
Products and Hazardous Materials or Wastes / § 113-15. Underground storage
requirements.**

§ 113-15. Underground storage requirements.

- A. Owners or operators storing flammable or combustible materials in underground storage systems shall obtain a permit from the Fire Chief in addition to the hazardous material permit from the Board of Health required under § 113-3. Owners and operators storing hazardous materials or wastes underground which are not flammable or combustible need only obtain a permit from the Board of Health under § 113-3.
- B. Any discharge or abnormal loss of material from underground storage systems shall be reported to the Fire Chief, the Hazardous Materials Coordinator, the Board of Health, and the appropriate office of the DEP immediately upon detection.
- C. Response procedures to any discharge or abnormal loss of material from an underground storage system shall follow the requirements of 527 CMR 9.20 or 310 CMR 30.697, whichever is applicable. In the case of any hazardous material for which response procedures are not specified under state law, response procedures shall be those required for hazardous wastes under 310 CMR 30.697, unless otherwise specified by the Board of Health.
- D. Prior to any change in the material stored in an underground tank, such change of material shall be approved by the Board of Health and (in the case of flammable or combustible

materials) by the Fire Chief. Confirmation by the tank manufacturer that such a change in material would be compatible with the tank type shall also be submitted, in writing, to the Board/Fire Chief.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE IV, Underground Storage of Flammable or Combustible
Products and Hazardous Materials or Wastes / § 113-16. Underground tank
construction.**

§ 113-16. Underground tank construction.

- A. All underground storage tanks shall be designed to minimize the risk of corrosion and leakage, and shall conform to all construction and installation requirements under applicable state and federal law. All new underground storage systems for hazardous materials or waste shall meet the standards for new underground hazardous waste tanks set forth in 310 CMR 30.693 and 30.694, unless otherwise specified by the Board of Health. Hazardous wastes or waste products that are flammable or combustible shall meet 527 CMR 9.
- B. (Reserved)
- C. Installation procedures for all underground storage tanks shall conform to all requirements under applicable state law. Installation procedures for any underground tanks for any hazardous materials not covered by state regulations shall comply with the requirements in 310 CMR 30.693 for installation of tanks for underground storage of hazardous wastes, unless otherwise specified by the Board of Health.
- D. The Board of Health may require the placement of monitoring wells around any underground storage tank located within any aquifer protection area as delineated in § 107-6 of Chapter 107, Groundwater Protection, as amended.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE V, Testing, Monitoring and Removal Requirements for
Underground Storage Tanks**

**ARTICLE V, Testing, Monitoring and Removal Requirements for Underground
Storage Tanks**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE V, Testing, Monitoring and Removal Requirements for
Underground Storage Tanks / § 113-17. Underground tank testing.**

§ 113-17. Underground tank testing.

- A. All underground tanks which do not conform to the requirements for new tank installations in § 113-16A shall be tested for tightness at the expense of the owner. Testing schedules, except as provided in § 113-19C, shall follow the requirements of 527 CMR 9.13 in the case of flammable or combustible materials. Tanks for other hazardous materials or waste shall be tested annually or more frequently if required by the Board of Health.
- B. Test results for tanks storing flammable or combustible materials shall be submitted to the Fire Chief and the Board of Health. Test results for tanks storing hazardous materials or wastes that are not flammable or combustible shall be submitted to the Board of Health and to the Hazardous Materials Coordinator.
- C. Prior to its transfer, all underground storage tanks located on a property shall be tested for tightness at the expense of the owner. The results of such testing shall be submitted to the Fire Chief and to the Board of Health, and kept on file.
- D. The Fire Chief, the Board of Health, or the Hazardous Materials Coordinator may request to be present for any tank testing procedures.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE V, Testing, Monitoring and Removal Requirements for
Underground Storage Tanks / § 113-18. Inventory and monitoring of
underground storage tanks.**

§ 113-18. Inventory and monitoring of underground storage tanks.

Inventory and monitoring of underground tanks for storage of flammable and combustible materials shall conform to the requirements of 527 CMR 9.11 and 9.12. Inventory and monitoring of underground tanks for storage of other hazardous materials not covered by 527 CMR 9.11 and 9.12 shall conform to the requirements in 310 CMR 30.692, unless otherwise specified by the Board of Health.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE V, Testing, Monitoring and Removal Requirements for
Underground Storage Tanks / § 113-19. Underground tank removal.**

§ 113-19. Underground tank removal.

- A. Removal procedures for tanks for storage of flammable or combustible materials shall follow the requirements of 527 CMR 9.22 and 9.23 as well as 502 CMR 3.00.
- B. Removal procedures for tanks for the storage of hazardous materials or waste which are not flammable or combustible shall conform to the procedure in 310 CMR 30.699 for removal of hazardous waste tanks unless otherwise specified by the Board of Health.
- C. All residential underground storage tanks shall be removed at a tank age of 20 years, unless the structure of the tank is sound. Proof of soundness must consist of results of a tightness test which follows the requirements of 527 CMR 9.13 and must be provided annually to the Board of Health and the Fire Chief beginning the 20th year of the tank's life.
- D. No underground residential home heating oil tanks shall be repaired and placed back in service. Any such tank which is in need of repair shall be removed and replaced by an aboveground storage system. All replacements of residential home heating oil tanks shall require a permit under § 113-3 of this chapter, and are not excepted by § 113-10E.
- E. No underground storage system which has leaked shall be relined, repaired or continued in use. Tanks which have leaked or need repair shall be removed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE V, Testing, Monitoring and Removal Requirements for
Underground Storage Tanks / § 113-20. Application information for underground
storage permit.**

§ 113-20. Application information for underground storage permit.

Applications for permits from either the Board of Health or the Fire Chief must include appropriate drawings showing the location of all tanks in relation to the aquifer protection zones delineated in § 107-6 of Chapter 107, Groundwater Protection, as amended. The location of all tanks shall conform to all applicable legal requirements, including but not limited to Chapter 107, Groundwater Protection, other regulations of the Board of Health, and the Wetlands

Protection Bylaw administered by the Stoughton Conservation Commission.^{EN(6)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement**

ARTICLE VI, Administration and Enforcement

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-21. Compliance
with hazardous materials permit requirements.**

§ 113-21. Compliance with hazardous materials permit requirements.

- A. Owners or occupants of new premises shall obtain a hazardous materials permit from the Board of Health, licenses from the local licensing authority and permits from the Fire Chief prior to occupying the premises.
- B. Existing premises. Owners or occupants of existing premises shall obtain a hazardous materials permit by January 1, 2003, or upon any change in use or occupancy of the site, whichever comes first.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-22. Cessation of
permit.**

§ 113-22. Cessation of permit.

- A. The holder of a hazardous materials and waste permit shall notify the Board of Health immediately, in writing, whenever the activities authorized under the permit cease on a permanent basis.
- B. When an underground storage tank for the storage of flammable or combustible materials is taken out of service for more than six months, the Fire Chief shall require that the tank be removed in accordance with 527 CMR 9.22 and 9.23. Any underground storage tank for the storage of other hazardous materials or wastes shall be removed in accordance with the

procedures in 527 CMR 9.22 and 9.23 unless otherwise ordered by the Board of Health.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-23. Promulgation
of rules and regulations.**

§ 113-23. Promulgation of rules and regulations.

The Board of Health may from time to time pass regulations specifying categories of materials which are hazardous materials or wastes under the definition in § 113-3 of this chapter. A copy of such rules shall be filed with the Town Clerk.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-24. Fees.**

§ 113-24. Fees.

Fees necessary for the issuance and renewal of permits or licenses under this chapter shall be set by the Board of Health. Fees shall be due on the date of annual registration and collected by the permit or license granting authority. Failure to pay shall constitute a violation and shall subject the violator to the penalties of § 113-27 of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-25. Variance.**

§ 113-25. Variance.

A variance from the terms of this chapter may be granted by the permit-granting authority after notice to abutters and a public hearing, if it is found that a variance would satisfy each of the following conditions:

- A. Consistency with the public health and environmental protection objectives of the Massachusetts General Laws and applicable federal, state and local regulations;
- B. Consistency with the purpose and intent of this chapter;

- C. Prevention of an undue burden on the permit applicant, and
- D. Equivalent protection as envisioned in § 113-2.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-26. (Reserved)**

§ 113-26. (Reserved)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 113, HAZARDOUS
WASTE / ARTICLE VI, Administration and Enforcement / § 113-27. Violations
and penalties.**

§ 113-27. Violations and penalties.

Any person who violates any provision of this chapter shall be punishable by a fine of not more than \$300, as allowed under MGL c. 40, § 21. Each day during which a violation continues shall constitute a separate offense, and each condition of this chapter violated shall constitute a separate offense. Such fine shall be collected within a sixty-day period. Failure to pay the fine by the end of the 60 days shall subject the property to a municipal lien. This penalty may be imposed by the Town of Stoughton Board of Health, or a designated officer having police powers.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 122, JUNK DEALERS**

Chapter 122, JUNK DEALERS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 2-6-1939, Art. 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 92 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- Licenses and permits -- See Ch. 124.**
- Peddling and soliciting -- See Ch. 140.**
- Secondhand jewelry -- See Ch. 146.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 122, JUNK DEALERS / §
122-1. License required.**

§ 122-1. License required.

No person shall keep a pawnshop or engage in the business of purchasing, selling or bartering junk without first having obtained a license therefor from the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 122, JUNK DEALERS / §
122-2. Record of transactions; signs, inspections; minors.**

§ 122-2. Record of transactions; signs, inspections; minors.

- A. Every person keeping a pawnshop or engaging in the business of purchasing, selling or bartering junk shall keep a book in which shall be written, at the time of every purchase, of any such article, a description thereof, the name, residence and age of the person from whom and the day and hour when such purchase was made. Such book shall at all times be open to the inspection of the Selectmen or any person by them authorized to make such inspection.
- B. Every keeper of such shop and every junk dealer shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.
- C. Such shop and all such articles of merchandise therein may be at all times examined by the Selectmen or by any person by them authorized to make such examination.
- D. No keeper of such shop, or junk dealer, shall directly or indirectly either purchase or receive by barter or by exchange any article from any minor knowing or having reason to believe him to be such, and no article purchased or received by such shopkeeper or junk dealer shall be sold until a period of at least one week from the date of its purchase or receipt has elapsed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 122, JUNK DEALERS / §
122-3. Vehicles.**

§ 122-3. Vehicles.

Every wagon, cart, sleigh, sled or other vehicle used in the collection of junk shall be licensed by

the Board of Selectmen and shall have the name of the owner and the number of the license placed upon the outside and upon each side thereof in plain, legible words and figures of not less than 1 1/2 inches in size and so that the same can be distinctly seen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 122, JUNK DEALERS / §
122-4. Determination of ownership.**

§ 122-4. Determination of ownership.

The person in whose name a license is taken out for any such business or for any such vehicle shall be considered the owner, until such license is surrendered.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS**

Chapter 124, LICENSES AND PERMITS

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 5-27-1986, Art. 6 (Ch. 98 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Fees -- See Ch. 96.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-1. Statutory authority.**

§ 124-1. Statutory authority.

Section 57 of Chapter 40 of the General Laws of the Commonwealth, as amended by Chapter 640 of the Acts of 1985 is hereby accepted.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-2. Denial for nonpayment of taxes and fees.**

§ 124-2. Denial for nonpayment of taxes and fees.

- A. The Town may deny any application for or revoke or suspend any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.
- B. The amendments authorized under Massachusetts General Laws Chapter 40 Section 57 are incorporated to enhance Stoughton's tax enforcement authority by allowing the refusal to grant a license or permit to an applicant with respect to any activity that is carried out on or about the real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges. [Added 5-4-2009 ATM, Art. 44]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-3. List of parties refusing to pay taxes or fees; authority to deny
or revoke licenses.**

§ 124-3. List of parties refusing to pay taxes or fees; authority to deny or revoke licenses.

- A. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges shall annually furnish to each department, board, commission or division that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- B. The Board of Selectmen, acting as the licensing authority, may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-4. Hearings.**

§ 124-4. Hearings.

- A. Upon written notice given to the party and the Tax Collector, as required by applicable provisions of law, the licensing authority shall hold a hearing not earlier than 14 days after said notice. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- B. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduce denial, revocation or suspension.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-5. Restrictions.**

§ 124-5. Restrictions.

Any license or permit, denied, revoked or suspended under this chapter shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 124, LICENSES AND
PERMITS / § 124-6. Payment agreements; waiver of denial or revocation;
exemptions.**

§ 124-6. Payment agreements; waiver of denial or revocation; exemptions.

- A. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required in § 124-4 of this chapter.
- B. The Board of Selectmen may waive such denial, revocation or suspension if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268, § 1, in the business or activity conducted in or on said property.
- C. This chapter shall not apply to the following licenses and permits:

License or Permit	Statutory Reference
Open burning	MGL c. 48, § 13
Bicycles	MGL c. 85, § 11A
Sales of articles for charitable purposes	MGL c. 101, § 33
Children's work permits	MGL c. 149, § 69
Club associations dispensing food or beverages	MGL c. 140, § 21E
Dog licenses	MGL c. 140, § 137
Fishing, hunting, trapping license	MGL c. 131, § 12
Marriage licenses	MGL c. 207, § 28
Theatrical events, public exhibition permits	MGL c. 140, § 181

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 128, LOITERING**

Chapter 128, LOITERING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 3-7-1966, Art. 42, approved 5-19-1966 (Ch. 100 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order -- See Ch. 136.

Abandoned vehicles -- See Ch. 176.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 128, LOITERING / §
128-1. Obstruction of pedestrians or vehicles prohibited.**

§ 128-1. Obstruction of pedestrians or vehicles prohibited.

No person shall stand, lounge or park any vehicle on any sidewalk, public way or other place to which the public has the right of access in such a manner as to obstruct a free passage of pedestrians and/or motor vehicles or remain about the doors or places of business or residence when requested by the owners or occupants of said places to depart therefrom, and no person shall stand, loiter or park in any place where the public has a right of access or upon any public way or sidewalk in the Town after having been directed by a police officer to leave the area.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING**

Chapter 133, PARKING

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10 (Ch. 76 of
the 1983 Code)]**

**ARTICLE I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10
(Ch. 76 of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10 (Ch. 76 of
the 1983 Code)] / § 133-1. Requirements for handicapped parking spaces.**

§ 133-1. Requirements for handicapped parking spaces.

No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned and operated by disabled veterans or by handicapped persons unless said vehicle bears the distinctive number plates authorized by MGL c. 90, § 2. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters,

auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has right of access as invitees or licensees shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by MGL c. 90, § 2, according to the following formula:

Number of Parking Spaces in Area	Required Disabled Veteran or Handicapped Parking Spaces
More than 15 but not more than 25	1
More than 25 but not more than 40	5% of such spaces, but not less than 2
More than 40 but not more than 100	4% of such spaces but not less than 3
More than 100 but not more than 200	3% of such spaces, but not less than 4
More than 200 but not more than 500	2% of such spaces, but not less than 6
More than 500 but not more than 1,000	1 1/2% of such spaces, but not less than 10
More than 1,000 but not more than 2,000	1% of such spaces, but not less than 15
More than 2,000 but less than 5,000	3/4 of 1% of such spaces, but not less than 20
More than 5,000	1/2 of 1% of such spaces, but not less than 30

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10 (Ch. 76 of
the 1983 Code)] / § 133-2. Sign requirements for handicapped parking spaces.**

§ 133-2. Sign requirements for handicapped parking spaces.

Parking spaces designated as reserved under the provisions of § 133-1 of this article shall be

identified by use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles may be removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be 12 feet wide or two eight-foot wide areas with four feet of cross hatch between them.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10 (Ch. 76 of
the 1983 Code)] / § 133-3. Unauthorized vehicles in handicapped spaces.**

§ 133-3. Unauthorized vehicles in handicapped spaces.

Unauthorized vehicles shall be prohibited within parking spaces designated for use by disabled veterans or handicapped persons as authorized by § 133-1 of this article or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
I, Parking for Handicapped Persons [Adopted 4-25-1983 ATM, Art. 10 (Ch. 76 of
the 1983 Code)] / § 133-4. Violations and penalties. [Amended 5-4-1992 ATM, Art.
42]**

§ 133-4. Violations and penalties. [Amended 5-4-1992 ATM, Art. 42]

The penalty for violation of this article shall be:

- A. Fine of \$100.
- B. The vehicle may be removed according to the provisions of MGL c. 266, § 120D.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)]**

ARTICLE II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983 Code)]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)] / § 133-5. Fire regulations.**

§ 133-5. Fire regulations.

Fire regulations. It shall be unlawful to obstruct or block a private way with a vehicle or any other means so as to prevent access by fire apparatus or equipment to any multiple-family building, stores, shopping centers, schools and places of public assembly.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)] / § 133-6. Fire lanes.**

§ 133-6. Fire lanes.

It shall be unlawful to obstruct or park a vehicle in any fire lane; such fire lanes to be designated by the head of the Fire Department and posted as such; said fire lanes to be a distance of 12 feet from the curbing of a sidewalk in a shopping center, apartment complexes and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the head of the Fire Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)] / § 133-7. Removal of vehicles.**

§ 133-7. Removal of vehicles.

Any object or vehicle obstructing or blocking any fire lane or private way may be removed or towed by the Town under the direction of a police officer at the expense of the owner and

without liability to the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)] / § 133-8. Signage.**

§ 133-8. Signage.

The owner of record of any building affected by these sections shall provide and install signs and road markings as provided in § 133-6 of this article. Said signs shall be no less than 12 inches by 18 inches and shall read "Fire Lane No Parking Tow Zone."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 133, PARKING / ARTICLE
II, Parking In Private Ways [Adopted 4-30-1984 ATM, Art. 47 (Ch. 149 of the 1983
Code)] / § 133-9. Violations and penalties. [Amended 5-4-1992 ATM, Art. 45;
approved 9-18-1992]**

§ 133-9. Violations and penalties. [Amended 5-4-1992 ATM, Art. 45; approved 9-18-1992]

Any person violating any of the foregoing sections shall, for each offense, be punished by a fine of \$100. Each day that such violation continues shall constitute a separate offense.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD
ORDER**

Chapter 136, PEACE AND GOOD ORDER

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 2-6-1939 as Art. 7 (Sections 12, 13, 15 and 17) and Art. 9 of the 1939 Bylaws, approved 4-3-1939 (Ch. 120 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and other animals -- See Ch. 78.

Entertainment -- See Ch. 89.

Loitering -- See Ch. 128.

Peddling and soliciting -- See Ch. 140.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD
ORDER / § 136-1. Damage to street-lighting prohibited. [Amended 4-30-1984
ATM, Art. 43]**

§ 136-1. Damage to street-lighting prohibited. [Amended 4-30-1984 ATM, Art. 43]

No person shall willfully break any arc lamp, lamp globe, incandescent lamp, mercury vapor lamp, sodium lamp or any insulators or attachments used to carry power for electric street lighting or any part of such lamps or globes or the fixtures thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD
ORDER / § 136-2. Disorderly conduct; profanity. [Amended 3-7-1966 ATM, Art.
42, approved 5-19-1966]**

**§ 136-2. Disorderly conduct; profanity. [Amended 3-7-1966 ATM, Art. 42, approved
5-19-1966]**

No person shall behave in a rude, indecent or disorderly manner or use any indecent, profane, insolent or insulting language, make threats or use other language tending to create a breach of the peace in any public place, any street or sidewalk or place to which the public has a right of access in the Town or upon any doorstep, portico or other projection from any house or building or in any other place within audible distance of any dwelling, house or other building thereon.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD
ORDER / § 136-3. Obscene writings; grafitti.**

§ 136-3. Obscene writings; grafitti.

No person shall make or affix any indecent figures or write, print, or cut any obscene word or words upon or deface, break or injure, in any manner, any fence, post, pole, sign, street lantern, electric street lamp, sidewalk, building or structure adjacent to a sidewalk, street or public place or mark or mutilate any poster so as to render it profane or obscene.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD ORDER / § 136-4. Throwing stones or other missiles in streets. [Amended 4-30-1984 ATM, Art. 43]

§ 136-4. Throwing stones or other missiles in streets. [Amended 4-30-1984 ATM, Art. 43]

No person shall throw stones, snowballs, sticks or other missiles or kick a football or play at any game in which a ball is used or fly any kites or balloons or shoot with or use a bow and arrow or otherwise throw any missiles in any of the public ways of the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 136, PEACE AND GOOD ORDER / § 136-5. Window peeking.**

§ 136-5. Window peeking.

No person shall enter upon the premises of another with the intention of peeking into the windows of a house or spying upon in any manner any person therein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND SOLICITING**

Chapter 140, PEDDLING AND SOLICITING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-30-1984, Art. 43. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills and posters -- See Ch. 109.

Loitering -- See Ch. 128.

Peace and good order -- See Ch. 136.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND SOLICITING / § 140-1. Permit and license required.**

§ 140-1. Permit and license required.

It shall be unlawful for any person to engage in the business of peddler, solicitor or canvasser, distributor or transient vendor, as defined in this chapter, within the Town of Stoughton without first obtaining a permit and license therefor as provided herein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-2. Definitions.**

§ 140-2. Definitions.

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

DISTRIBUTOR -- Any person who distributes or causes to be distributed on any street or public place within the Town of Stoughton any newspaper, periodical, book, magazine, handbill, circular, card or pamphlet or printed material of any kind.

PEDDLER -- Any person, whether a resident of the Town of Stoughton or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling and delivering merchandise to customers. The word "peddler" shall also include the words "hawker" and "huckster."

PERSON -- Any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

SOLICITOR -- Any person, whether a resident of the Town of Stoughton or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services and whether or not he is collecting advance payments on such sales or orders; or one who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word "canvasser" and shall also include any person who goes from door to door as described above for the purpose of soliciting or collecting funds from a stationary location on any street or other public place.

TRANSIENT VENDOR -- Any person, whether as owner, agent, consignee or employee and whether a resident of the Town of Stoughton or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said Town and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, car, boat, public rooms in hotels, lodging houses, apartments, shops or any street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either

privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-3. Application for permit and license; fees.**

§ 140-3. Application for permit and license; fees.

- A. Application information. Applicants for a permit and license under this chapter must file with the Town Clerk a sworn application in writing, on a form to be furnished by the Town Clerk, which shall give the following information:
- (1) Name, date of birth and description of the applicant.
 - (2) Permanent home address.
 - (3) A brief description of the nature of the business and the goods to be sold.
 - (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (5) The length of time for which the right to do business is desired.
 - (6) If a vehicle is to be used, a description of same, together with the license number or other means of identification.
 - (7) One photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (8) If food, ice cream, fish, produce, beverages or other edible products to be consumed by the public are to be vended, sold or conveyed, a certificate or report from the Town of Stoughton Food and Milk Inspector must be submitted.
 - (9) The license number and date of issuance of any transient vendor or peddler license issued by the Commonwealth of Massachusetts pursuant to the provisions of MGL c. 101, §§ 3 and 22.
- B. Application fees. At the time of filing the application, a nonrefundable fee of \$5 shall be paid to the Town Clerk to cover the cost of forms preparation and review.

- C. Separate application. Each corporation, firm, partnership or company employing more than one peddler, solicitor or transient vendor as defined in this chapter shall be required to make application for each person so employed within the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-4. Review of application and approval; contents of license.**

§ 140-4. Review of application and approval; contents of license.

- A. Upon receipt of each such application, the Town Clerk shall cause said application with all supporting documents to be reviewed by at least two members of the Board of Selectmen, who shall endorse their approval on said application and return same to the Town Clerk with all supporting documents, with the Town Clerk, upon receipt of the prescribed license fee, to issue a license.
- B. Such license shall contain the following:
 - (1) The signature of the Town Clerk or Assistant Town Clerk.
 - (2) The Seal of the Town of Stoughton.
 - (3) The name and address of said licensee.
 - (4) The class of license issued.
 - (5) The kind of goods sold thereunder.
 - (6) The amount of fee paid.
 - (7) The date of issuance.
 - (8) The length of time same shall be operative.
 - (9) A description of the applicant, including his photograph, as well as the license number and other identifying description of any vehicle to be used by the licensee.
- C. The Town Clerk shall keep a permanent record of all licenses issued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-5. Hearing on refusal of license.**

§ 140-5. Hearing on refusal of license.

Any applicant refused a license by the reviewing members of the Board of Selectmen may apply in writing to said Board for hearing on his application before the entire Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-6. License term and fees; hours.**

§ 140-6. License term and fees; hours.

- A. A license shall be issued for a term expiring December 31 of the year in which it is issued, and the fee therefor shall be \$10, payable upon issuance of the license, such license to be valid only between the hours 9:00 a.m. and 5:00 p.m. daily, unless otherwise specifically authorized by the Board of Selectmen.
- B. Corporations, firms, partnerships and companies employing more than one peddler, solicitor, or transient vendor as defined in this chapter shall be subject to a license fee of \$5 for each such additional person so employed in the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-7. Special holiday licenses and veterans' licenses.**

§ 140-7. Special holiday licenses and veterans' licenses.

- A. A special holiday license may be granted for a period of not more than one week, including Saturday and Sunday, with the fee for such special holiday license to be \$10, with such license issued to be valid only for the dates and times denoted on said special license. The Town Clerk, in granting such special holiday licenses, may waive the application requirements and may, if the license is granted in regard to a specific parade, speech, opening or similar event with hours later than 5:00 p.m., endorse such license for use after 5:00 p.m. on specified days for use in conjunction with such event.
- B. The Town Clerk, under such conditions as the Board of Selectmen may deem proper, may grant to any organization engaged exclusively in charitable work, or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection, a special license authorizing it, upon a particular day and for a charitable purpose named in such license, to sell, through its accredited agents

in the streets and other public places within the Town of Stoughton or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs and similar small articles, provided that no person under 16 years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge, provided by such organization or post and reviewed by two members of the Board of Selectmen, bearing upon it the name of such organization or post and the date on which the license is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales on or in front of any private premises against the objection of the owner or occupant thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-8. Transfer of license prohibited.**

§ 140-8. Transfer of license prohibited.

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-9. Loud noises and devices.**

§ 140-9. Loud noises and devices.

No licensee nor any person on his behalf shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of said Town or upon any private premises in said Town where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. However, nothing contained in this section shall apply to the ringing of those small bells that are normally affixed and associated with ice cream vendor carts and vehicles by vendors of ice cream products.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-10. Location restrictions.**

§ 140-10. Location restrictions.

- A. No peddler shall have an exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- B. The issuance of a license will not constitute permission to peddle within 250 feet of any school, or municipal building, church or house of worship, playground or public park, public ballfield, except in regard to events referred to in § 140-7 of this chapter, in which case the Clerk may endorse the permit to permit use at such locations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-11. Display of license.**

§ 140-11. Display of license.

Licenses are required to exhibit their licenses by enclosing same in a glassine or plastic transparent frame and affixing same to the cart or wagon from which the merchandise is vended or sold so that the same is visible to the public. Where impractical to affix said license, it must be carried by the licensee, who shall be required to exhibit same at the request of any citizen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-12. Revocation of license.**

§ 140-12. Revocation of license.

- A. Permits and licenses issued under the provisions of this chapter may be revoked by the Board of Selectmen of the Town of Stoughton after notice and public hearing, for any violation of any local law, state or federal statute or falsification in applying for a license.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for the hearing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-13. Exemptions.**

§ 140-13. Exemptions.

Nothing herein contained shall apply to:

- A. Sales by commercial travelers or by selling agents to dealers in the usual course of business or to bona fide sales of goods, wares or merchandise by sample for future delivery or to sales of goods, wares or merchandise by any domestic corporation or agent thereof, by any person, whether principal or agent, who engages in temporary or transient business in the Town of Stoughton in which taxes have been assessed upon his stock trade during the current year.
- B. Wholesalers or jobbers selling to dealers only nor to commercial agents or other persons selling by sample, lists, catalogs or otherwise for future delivery, nor to any dealer regularly engaged in supplying customers with fuel oil for heating or cooking purposes from a fixed business within the commonwealth, nor to any person who peddles fish obtained by his own labor or that of his family, or fruits, vegetables or other farm products raised or produced by himself or his family.
- C. Minors 18 years of age or under engaged in such services as snow shoveling, grass cutting, leaf raking, lawn clearing, newspaper and magazine delivering, and collecting and other similar services as an independent contractor.
- D. Religious and nonprofit organizations recognized by the Commonwealth of Massachusetts canvassing and soliciting funds door-to-door in residential neighborhoods. [Added 4-27-1987 ATM, Art. 82]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 140, PEDDLING AND
SOLICITING / § 140-14. Violations and penalties.**

§ 140-14. Violations and penalties.

An offense against any provision of this chapter shall be punishable as provided in Article I of Chapter 1, General Provisions, of this Code.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND**

JEWELRY

Chapter 146, SECONDHAND JEWELRY

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-4-1992, Art. 48, approved 9-18-1992 (Ch. 141 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Fees -- See Ch. 96.

Junk dealers -- See Ch. 122.

Licenses and permits -- See Ch. 124.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-1. License required.**

§ 146-1. License required.

No person shall engage in the business for the sale, purchase or barter of secondhand gold, silver, platinum, jewelry or gems without first having obtained a license from the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-2. License fee, term and display.**

§ 146-2. License fee, term and display.

The fee for such license shall be \$25, shall be renewed annually and shall be displayed in plain view on the premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-3. Recording of sales.**

§ 146-3. Recording of sales.

All sales, purchases or barter by persons pursuant to the provisions of this chapter shall be recorded in a bound book, which shall be clearly written at the time of such transaction,

recording the following information:

- A. Name.
- B. Address.
- C. Date of birth.
- D. Driver's license number, if applicable.
- E. Time and date of such sale.
- F. Purchase or barter and a complete and accurate description of the items.
- G. Age of person.
- H. Type of photo identification shown to license holder or his designee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-4. Restrictions and holding period of goods.**

§ 146-4. Restrictions and holding period of goods.

No transaction shall be conducted by said license holder with a person less than 18 years of age. There shall be a fifteen-day holding period of such goods at the place stated on said license, and all goods shall remain in the same condition as at the time of purchase by the license holder. All goods shall be made available for inspection of the Chief of Police or his designee during normal business hours.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-5. Report to police.**

§ 146-5. Report to police.

A report of all transactions of sale, purchase or barter shall be filed on forms provided by the licensing authority and shall be forwarded to the Police Department on a weekly basis.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 146, SECONDHAND
JEWELRY / § 146-6. Violations and penalties.**

§ 146-6. Violations and penalties.

Violation of any terms of this license shall be punished by a fine of not less than \$50 and shall be enforced by any regular Stoughton police officer by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this chapter for purposes of noncriminal disposition shall be \$50.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING**

Chapter 153, SMOKING

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE I, Restaurant Restrictions [Adopted of 4-25-1983 ATM, Art. 4 (Ch. 140 of
the 1983 Code)]**

**ARTICLE I, Restaurant Restrictions [Adopted of 4-25-1983 ATM, Art. 4 (Ch. 140 of
the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE I, Restaurant Restrictions [Adopted of 4-25-1983 ATM, Art. 4 (Ch. 140 of
the 1983 Code)] / § 153-1. Definitions.**

§ 153-1. Definitions.

For the purposes of this article, the following definitions shall apply:

NON-SMOKING AREA -- That area of a restaurant designated and posted by the proprietor or other person in charge, where smoking by patrons or employees shall be prohibited.

RESTAURANT -- Restaurant with a seating capacity of 40 or more persons. (Bar and lounge

areas primarily devoted to the purchase and consumption of alcoholic beverages shall be excluded in determining restaurant seating capacity.)

SMOKING -- The lighting of, or the having in one's possession of any lighted cigar, cigarette, pipe, or other tobacco product.

SMOKING AREAS -- All other areas of a restaurant unless smoking is prohibited by sanitation or fire safety codes or regulations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE I, Restaurant Restrictions [Adopted of 4-25-1983 ATM, Art. 4 (Ch. 140 of
the 1983 Code)] / § 153-2. Prohibitions; size of non-smoking area.**

§ 153-2. Prohibitions; size of non-smoking area.

- A. No person shall smoke in any area of a restaurant designated as a non-smoking area. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and, during the course of such function, is not subject to the full control of the proprietor or person in charge of the restaurant.
- B. The non-smoking area shall comprise no less than 25% of the seating capacity of the restaurant unless otherwise provided for under § 153-3B.
- C. In the case of restaurants consisting of a single room, the requirements of this article shall be considered met if one side of the room is reserved and posted as a non-smoking area, provided that the non-smoking area comprises no less than 25% of the seating capacity of the restaurant.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE I, Restaurant Restrictions [Adopted of 4-25-1983 ATM, Art. 4 (Ch. 140 of
the 1983 Code)] / § 153-3. Implementation and enforcement; violations and
penalties.**

§ 153-3. Implementation and enforcement; violations and penalties.

- A. The proprietor or other person in charge of a restaurant shall make reasonable efforts to prevent smoking in the non-smoking area by:
 - (1) Posting appropriate signs;

- (2) Arranging seating so that existing physical barriers and ventilation systems minimize the effects of smoking in a smoking area upon persons in an adjacent non-smoking area;
 - (3) Directing patrons seated in a non-smoking area to refrain from smoking; and
 - (4) Any other means which may be appropriate.
- B. The Stoughton Board of Health may adopt rules and regulations, subject to the approval of the Board of Selectmen, to effectuate the purposes of this article.
- C. Any person who smokes in a non-smoking area after notice from the person in charge that such conduct violates this article shall be subject to a fine of not less than \$10 or more than \$30.
- D. The Stoughton Board of Health or any person aggrieved by the willful failure of the proprietor or other person in charge of a restaurant to comply with any provision of the article may seek injunctive or other relief to enforce the provisions of this article in a court of competent jurisdiction.
- E. Nothing in this article shall make lawful smoking in any area in which smoking is or may hereafter be prohibited by law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61,
approved 10-27-1993 (Ch. 137 of the 1983 Code)]**

**ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61,
approved 10-27-1993 (Ch. 137 of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61,
approved 10-27-1993 (Ch. 137 of the 1983 Code)] / § 153-4. Definitions.**

§ 153-4. Definitions.

For the purposes of this article, the following definitions shall apply:

PUBLIC BUILDING -- Any enclosed, indoor area that is located in a building owned or

occupied by any department or agency of the Town of Stoughton.

SMOKING -- The lighting of, or the having in one's possession of, any lighted cigar, cigarette, pipe, or other tobacco product.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61,
approved 10-27-1993 (Ch. 137 of the 1983 Code)] / § 153-5. Smoking in public
buildings.**

§ 153-5. Smoking in public buildings.

No person shall smoke in any public building in the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /
ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61,
approved 10-27-1993 (Ch. 137 of the 1983 Code)] / § 153-6. Implementation and
enforcement.**

§ 153-6. Implementation and enforcement.

- A. The Town Manager or his representative shall make reasonable efforts to prevent smoking in public buildings by:
 - (1) Posting conspicuously such notices or signs at each entrance indicating that smoking is prohibited therein.
 - (2) Any other means which may be appropriate.
- B. Any person aggrieved by the willful failure to comply with any provisions of this article in any public building may complain in writing to the Town Manager. The Town Manager shall respond, in writing, within five days to the complainant that he has inspected the area described in the complaint and has enforced the provisions of this article.
- C. The Town Manager or his representative is authorized to pursue such legal action as may be necessary to enforce this article.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING /**

ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61, approved 10-27-1993 (Ch. 137 of the 1983 Code)] / § 153-7. Disposition of fines.

§ 153-7. Disposition of fines.

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

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 153, SMOKING / ARTICLE II, Restrictions in Public Buildings [Adopted 5-3-1993 ATM, Art. 61, approved 10-27-1993 (Ch. 137 of the 1983 Code)] / § 153-8. Violations and penalties.

§ 153-8. Violations and penalties.

Any person who violates any provision of this article shall be punished by a fine of not more than \$50. This article may be enforced pursuant to MGL c. 40, § 21D. When enforced pursuant to MGL c. 40, § 21D, the penalty shall be \$50.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER MANAGEMENT

Chapter 159, STORMWATER MANAGEMENT

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-1-2006, Art. 74, EN⁽⁷⁾ approved 9-5-2006. Amendments noted where applicable.]

GENERAL REFERENCES

- Groundwater protection -- See Ch. 107.**
- Hazardous waste -- See Ch. 113.**
- Streets and sidewalks -- See Ch. 162.**
- Water -- See Ch. 188.**
- Wetlands protection -- See Ch. 191.**
- Zoning -- See Ch. 191.**
- Conservation Commission -- See Ch. 287.**

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER MANAGEMENT / § 159-1. Objectives.

§ 159-1. Objectives.

- A. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Stoughton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The harmful impacts of soil erosion and sedimentation are the impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; flooding; and overloading or clogging of municipal catch basins and storm drainage systems.
- D. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.
- E. The objectives of this bylaw are:
 - (1) To prevent pollutants from entering Stoughton's municipal separate storm sewer system (MS4);
 - (2) To prohibit illicit connections and unauthorized discharges to the MS4;
 - (3) To require the removal of all such illicit connections;
 - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (5) To establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
 - (6) To require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
 - (7) To promote infiltration and the recharge of groundwater;
 - (8) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are

implemented and maintained;

- (9) To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- (10) To require practices to control the flow of stormwater from new and redeveloped sites into the Stoughton storm drainage system in order to prevent flooding and erosion;
- (11) To protect groundwater and surface water from degradation;
- (12) To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-2. Definitions.**

§ 159-2. Definitions.

For the purposes of this bylaw, the following shall mean:

ABUTTER -- The owner(s) of land abutting the activity.

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.

ALTERATION OF DRAINAGE CHARACTERISTICS -- Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT -- Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the commonwealth or the federal government to the extent permitted by law, requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY -- The Stoughton Board of Selectmen, acting as Drain Commissioners (hereafter the Board), its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP) -- An activity, procedure, restraint, or structural

improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) -- A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT -- The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING -- Any activity that removes the vegetative surface cover.

CONSTRUCTION AND WASTE MATERIALS -- Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste, at a construction site that may adversely impact water quality.

DEVELOPMENT -- The modification of land to accommodate a new use or expansion of use, usually involving construction.

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 from any source.

DISTURBANCE OF LAND -- Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

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.

EROSION AND SEDIMENTATION CONTROL PLAN -- A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a certified professional in erosion and sediment control (CPESC) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during preconstruction and construction-related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS -- Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GROUNDWATER -- Water beneath the surface of the ground.

ILLICIT CONNECTION -- A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process

wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLCIT DISCHARGE -- Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in § 157-7. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a surface water discharge permit, or resulting from fire-fighting activities exempted pursuant to § 159-7D of this bylaw.

IMPERVIOUS SURFACE -- Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

LAND-DISTURBING ACTIVITY -- Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT -- MGL c. 131A and its implementing regulations at 321 CMR 10.00 which prohibit the taking of any rare plant or animal species listed as endangered, threatened, or of special concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY -- The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131, § 40, and Massachusetts Clean Waters Act MGL c. 21, §§ 23 through 56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR 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 Town of Stoughton.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT -- A permit issued by United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE -- Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN -- A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL -- The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs) -- Waters designated by the Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00)^{EN(8)} and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER -- A person with a legal or equitable interest in property.

PERSON -- An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE -- Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT -- Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;

- H. Animal wastes;
- I. Rock, sand, salt, soils;
- J. Construction wastes and residues; and
- K. Any noxious or offensive matter of any kind.

PRECONSTRUCTION -- All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES -- Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

PROCESS WASTEWATER -- Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE -- The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT -- Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

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 -- The process or act of deposition of sediment.

SLOPE -- The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL -- Any earth, sand, rock, gravel, or similar material.

STABILIZATION -- The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER -- Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN -- A plan required as part of the application for a Stormwater Management Permit. See § 159-9.

STRIP -- Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

SURFACE WATER DISCHARGE PERMIT -- A permit issued by the Department of

Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE -- Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under MGL c. 21C and c. 21E and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

TSS -- Total suspended solids.

VERNAL POOLS -- Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTEWATER -- Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

WATERCOURSE -- A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH -- All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, appropriational waters, and groundwater.

WETLAND RESOURCE AREA -- Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40, and in the Town of Stoughton Wetlands Protection Bylaw.

WETLANDS -- Tidal and nontidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-3. Authority.**

§ 159-3. Authority.

This bylaw is adopted under the authority granted by the Home Rule Amendment of the

Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-4. Responsibility for administration.**

§ 159-4. Responsibility for administration.

The Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to employees or agents of the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-5. (Reserved)**

§ 159-5. (Reserved)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-6. Regulations.**

§ 159-6. Regulations.

The Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-7. Discharges to the municipal storm drain system.**

§ 159-7. Discharges to the municipal storm drain system.

A. Applicability. This bylaw shall apply to flows entering the municipally owned storm drainage system.

B. Prohibited activities.

- (1) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the commonwealth.
- (2) Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (3) Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

C. Exemptions.

- (1) Discharge or flow resulting from fire-fighting activities.
- (2) The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is

drained in such a way as not to cause a nuisance;

- (l) Discharge from street sweeping;
 - (m) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
 - (n) Non-stormwater discharge permitted under an NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - (o) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.
- D. Emergency suspension of storm drainage system access. The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the authorized enforcement agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- E. Notification of spills. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the authorized enforcement agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- F. Transitional provisions. Residential property owners shall have 30 days from the effective date of the bylaw to comply with its provisions, provided good cause is shown for the failure to comply with the bylaw during that period.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-8. Stormwater management and land disturbance.**

§ 159-8. Stormwater management and land disturbance.

A. Applicability.

- (1) This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the municipal separate storm sewer system.
- (2) Except as authorized by the Board in a land disturbance permit or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, as authorized in the Phase II small MS4 general permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an order of conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

B. Responsibility for administration.

- (1) The Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.
- (2) Waiver. The Board may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where:
 - (a) Such action is allowed by federal, state and local statutes and/or regulations;
 - (b) Is in the public interest; and
 - (c) Is not inconsistent with the purpose and intent of this bylaw.
- (3) Rules and regulations. The Board may adopt and periodically amend rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

C. Permits and procedures.

- (1) Application. A completed application for a land disturbance permit shall be filed with

the Board. A permit must be obtained prior to the commencement of land-disturbing activity that may result in the disturbance of an area of one acre or more. The land disturbance permit application package shall follow the procedures outlined in the Site Plan Review Bylaw (available at the Stoughton Engineering Department).

- (2) Entry. Filing an application for a permit grants the Board or its agent permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- (3) Other boards. The Board shall notify the Town Clerk of receipt of the application and shall give one copy of the application package to each of the other relevant boards. The submission of a site plan review application shall be considered as a valid submission under this bylaw.
- (4) Public hearing. The public hearing required in the Site Plan Review Bylaw shall be considered sufficient satisfaction of this requirement. In the event the proposed project does not require site plan review, the Board shall hold a public hearing within 21 days of the receipt of a complete application and take final action within 21 days from the time of closure of the public hearing, unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and by first-class mailing to abutters at least seven days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at the Town Hall, 10 Pearl Street.
- (5) Information requests. The applicant shall submit all additional information requested by the Board to issue a decision on the application.
- (6) Action by the Board. The Board may:
 - (a) Approve the land disturbance permit application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - (b) Approve the land disturbance permit application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
 - (c) Disapprove the land disturbance permit application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw.
- (7) Failure of the Board to take final action. Failure of the Board to take final action upon an application within the time specified above shall be deemed to be approval of said

application. Upon certification by the Town Clerk that the allowed time has passed without the Board action, the land disturbance permit shall be issued by the Board.

- (8) Fee structure. Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay review fees as determined by the Board sufficient to cover any expenses connected with the public hearing and review of the land disturbance permit application before the review process commences. The Board is authorized to retain a registered professional engineer or other professional consultant to advise the Board on any or all aspects of the application.
- (9) Project changes. The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a land disturbance permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in § 159-8C(10)(b) and accepted construction practices, the Board may require that an amended land disturbance permit application be filed and a public hearing held. If any change or alteration from the land disturbance permit occurs during any land-disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.
- (10) Erosion and sediment control plan.
 - (a) The erosion and sediment control plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Subsection C(10)(b) below.
 - (b) The design requirements of the erosion and sediment control plan are:
 - [1] Minimize total area of disturbance;
 - [2] Sequence activities to minimize simultaneous areas of disturbance;
 - [3] Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
 - [4] Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
 - [5] Divert uncontaminated water around disturbed areas;
 - [6] Maximize groundwater recharge;

- [7] Install and maintain all erosion and sediment control measures in accordance with the manufacturer's specifications and good engineering practices;
 - [8] Prevent off-site transport of sediment;
 - [9] Protect and manage on- and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project); comply with applicable federal, state and local laws and regulations, including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
 - [10] Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as endangered, threatened or of special concern, estimated habitats of rare wildlife and certified vernal pools, and priority habitats of rare species from the proposed activities;
 - [11] Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
 - [12] Properly manage on-site construction and waste materials; and
 - [13] Prevent off-site vehicle tracking of sediments.
- (11) Erosion and sediment control plan content. The plan shall contain the information required by the Site Plan Review Bylaw.
- (12) Inspection and site supervision.
- (a) Preconstruction meeting. Prior to starting clearing, excavation, construction, or land-disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project shall meet with the Board to review the permitted plans and their implementation.
 - (b) Board inspection. The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two working days before each of the following events:

- [1] Erosion and sediment control measures are in place and stabilized;
 - [2] Site clearing has been substantially completed;
 - [3] Rough grading has been substantially completed;
 - [4] Final grading has been substantially completed;
 - [5] Close of the construction season; and
 - [6] Final landscaping (permanent stabilization) and project final completion.
- (c) Permittee inspections. The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly, or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Board or designated agent in a format approved by the Board.
- (d) Access permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.
- (13) Surety. the Board may require the permittee to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be fully released until the Board has received the final report as required by § 159-8C(14) and issued a certificate of completion.
- (14) Final reports. Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a professional engineer (PE), surveyor, or certified professional in erosion and sediment control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.
- (15) Certificate of completion. The issuing authority will issue a letter certifying completion

upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-9. Postconstruction stormwater management of new
developments and redevelopments.**

**§ 159-9. Postconstruction stormwater management of new developments and
redevelopments.**

- A. Applicability. No person may undertake a construction activity, including clearing, grading and excavation, that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Stoughton municipal separate storm sewer system without a permit from the Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.
- B. Exemptions.
- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.4;
 - (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
 - (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - (4) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
 - (5) As authorized in the Phase II small MS4 general permit for Massachusetts, stormwater discharges resulting from the activities identified in § 159-8A that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an order of conditions issued by the Conservation Commission are exempt from compliance with this bylaw.
- C. Permits and procedure.
- (1) The application for a stormwater management permit shall consist of submittal of a stormwater management plan to the Board. This stormwater management plan shall

contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Subsection C(2) of this section and DEP Stormwater Management Handbook Volumes I and II. The stormwater management plan shall fully describe the project in drawings, and narrative. It shall represent as-built conditions on the site being permitted and shall contain the following information:

- (a) A locus map;
- (b) The existing zoning and land use at the site;
- (c) The location(s) of existing easements;
- (d) The location of existing utilities;
- (e) The site's final topography with contours at two-foot intervals;
- (f) The site hydrology;
- (g) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on and adjacent to the site or into which stormwater flows;
- (h) A delineation of one-hundred-year floodplains, if applicable;
- (i) The existing vegetation and ground surfaces with runoff coefficients;
- (j) A drainage area map showing postconstruction watershed boundaries, drainage area and stormwater flow paths;
- (k) A description and drawings of all components of the drainage system, including:
 - [1] Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - [2] All measures for the detention, retention or infiltration of water;
 - [3] All measures for the protection of water quality;
 - [4] The structural details for all components of the proposed drainage systems and stormwater management facilities;
 - [5] Notes on drawings specifying materials used, construction specifications, and typicals.
- (l) Location of buildings or other structures, impervious surfaces, and drainage

facilities, if applicable;

(m) A maintenance schedule for the on-site drainage facilities;

(n) Any other information requested by the Board.

(2) Standards.

(a) Projects shall meet the standards of the Massachusetts Stormwater Management Policy, which currently are as follows:

- [1] No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the commonwealth.
- [2] Stormwater management systems must be designed so that postdevelopment peak discharge rates do not exceed predevelopment peak discharge rates.
- [3] Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the postdevelopment site should approximate the annual recharge rate from the predevelopment or existing site conditions, based on soil types.
- [4] For new development, stormwater management systems must be designed to remove 80% of the average annual load (postdevelopment conditions) of total suspended solids (TSS). It is presumed that this standard is met when:
 - [a] Suitable nonstructural practices for source control and pollution prevention are implemented;
 - [b] Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - [c] Stormwater management BMPs are maintained as designed.
- [5] Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- [6] Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are outstanding resource waters (ORWs), shellfish beds, swimming beaches, cold-water fisheries and recharge areas for public water supplies.

- [7] Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- [8] Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- [9] All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

(b) When one or more of the standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

D. Operation and maintenance plans. An operation and maintenance plan (O&M plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the permit, this bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The operation and maintenance plan shall remain on file with the Board, attached to the stormwater management plan, and shall be an ongoing requirement. The O&M Plan shall include:

- (1) The name(s) of the owner(s) for all components of the system.
- (2) Maintenance agreements that specify:
 - (a) The names and addresses of the person(s) responsible for operation and maintenance.
 - (b) The person(s) responsible for financing maintenance and emergency repairs.
 - (c) A maintenance schedule for all drainage structures, including swales and ponds.
 - (d) A list of easements with the purpose and location of each.
 - (e) The signature(s) of the owner(s).
- (3) Stormwater management easement(s).
 - (a) Stormwater management easements shall be provided by the property owner(s) as necessary for:

- [1] Access for facility inspections and maintenance.
 - [2] Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the one-hundred-year storm event.
 - [3] Direct maintenance access by heavy equipment to structures requiring regular cleanout.
- (b) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - (c) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
 - (d) Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a certificate of completion by the Board.
- E. Changes to operation and maintenance plans.
- (1) The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility.
 - (2) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this bylaw by mutual agreement of the Board and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.
- F. Surety. The Board may require the permittee to post, before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit, but the bond may not be fully released until the Board has received the final inspection report as required by § 159-8C(14) and issued a certificate of completion.
- G. Inspections. The Board shall inspect the project site at the following stages:
- (1) Initial site inspection: prior to approval of any plan.
 - (2) Erosion control inspection: to ensure erosion control practices are in accord with the filed plan.
 - (3) Bury inspection: prior to backfilling of any underground drainage or stormwater

conveyance structures.

(4) Final inspection.

- (a) After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its as-built features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Board, which will issue a certificate of completion.
- (b) If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the stormwater management plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act, the Town may use the surety bond to complete the work. Examples of inadequacy shall be limited to errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

H. Waivers.

- (1) The Board may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where;
 - (a) Such action is allowed by federal, state and local statutes and/or regulations,
 - (b) Is in the public interest; and
 - (c) Is not inconsistent with the purpose and intent of this bylaw.
- (2) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- (3) All waiver requests shall be discussed and voted on at the public hearing for the project.
- (4) If, in the Board's opinion, additional time or information is required for review of a waiver request, the Board may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance or fails to provide requested information, the waiver request shall be denied.

I. Certificate of completion. The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work

of the permit has been satisfactorily completed in conformance with this bylaw.

- J. Town acceptance of drainage and stormwater structures and systems. When a developer requests the Town to accept a drainage system, stormwater management system, and/or a detention basin for a subdivision of three or more housing units, or for a commercial/industrial land development of one acre or larger, the Town shall have the option to refuse or accept it. If the Town accepts the basin or system, a contribution to the Stormwater Management Revolving Fund shall be made which shall be equal to \$1,000 for each drainage/stormwater management system and \$2,500 for every acre or portion thereof in the detention basins to compensate the Town for ongoing maintenance. The minimum contribution for any system or basin, regardless of size, shall be \$5,000.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 159, STORMWATER
MANAGEMENT / § 159-10. Enforcement.**

§ 159-10. Enforcement.

The Board or an authorized agent of the Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.
- (1) The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Performance of monitoring, analyses, and reporting;
 - (c) That unlawful discharges, practices, or operations shall cease and desist; and
 - (d) Remediation of contamination in connection therewith.
 - (2) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property

owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- (3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the appropriations incurred by the Town, including administrative appropriations. The violator or property owner may file a written protest objecting to the amount or basis of appropriations with the Board within 30 days of receipt of the notification of the appropriations incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Board affirming or reducing the appropriations, or from a final decision of a court of competent jurisdiction, the appropriations shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said appropriations. Interest shall begin to accrue on any unpaid appropriations at the statutory rate provided in MGL c. 59, § 57, after the 31st day at which the appropriations first become due.
- C. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Noncriminal disposition. As an alternative to criminal prosecution, the Town of Stoughton may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D. The Board, or its authorized agent, shall be the enforcing person. The penalty for the first violation shall be \$100. The penalty for the second violation shall be \$200. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.
- F. Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

MANAGEMENT / § 159-11. Severability.

§ 159-11. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS**

Chapter 162, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

**Building construction -- See Ch. 70.
Numbering of buildings -- See Ch. 73.
Loitering -- See Ch. 128.
Peddling and soliciting -- See Ch. 140.
Visibility at intersections -- See Ch. 180.
Zoning -- See Ch. 200.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE I, Use Regulations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 7, 8 and 9 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. I, of the
1983 Code)]**

**ARTICLE I, Use Regulations [Adopted 2-6-1939 ATM, Art. 7 as Sections 7, 8 and 9
of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. I, of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE I, Use Regulations [Adopted 2-6-1939 ATM, Art. 7 as**

Sections 7, 8 and 9 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. I, of the 1983 Code)] / § 162-1. Obstruction by vehicles.

§ 162-1. Obstruction by vehicles.

No person shall permit any vehicle under his care or control to stand across any public highway or street in the Town in such a manner as to obstruct the travel over the same for an unnecessary length of time. No person shall stop with any vehicle in any such public highway or street so near to another vehicle as to obstruct public travel, and no person shall stop with any vehicle upon or across any crossing in any such highway or street.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE I, Use Regulations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 7, 8 and 9 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. I, of the
1983 Code)] / § 162-2. Coasting on sidewalks.**

§ 162-2. Coasting on sidewalks.

No person shall coast upon or across any sidewalk in the Town nor coast upon any street in the Town except as the Board of Selectmen permit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE I, Use Regulations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 7, 8 and 9 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. I, of the
1983 Code)] / § 162-3. Vehicles on sidewalks restricted.**

§ 162-3. Vehicles on sidewalks restricted.

No person shall drive, wheel or draw on any sidewalk any wagon, cart or any carriage of burden or pleasure, except children's carriages propelled by hand, wheelchairs or necessary carriages for invalids or persons unable to walk.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE II, Obstructions [Adopted 2-6-1939 ATM, Art. 7as
Sections 2 and 18 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. II, of the
1983 Code)]**

ARTICLE II, Obstructions [Adopted 2-6-1939 ATM, Art. 7as Sections 2 and 18 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. II, of the 1983 Code)]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND SIDEWALKS / ARTICLE II, Obstructions [Adopted 2-6-1939 ATM, Art. 7as Sections 2 and 18 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. II, of the 1983 Code)] / § 162-4. Display of merchandise on sidewalks. [Amended 7-14-1958 STM, Art. 11, approved 8-11-1958]

§ 162-4. Display of merchandise on sidewalks. [Amended 7-14-1958 STM, Art. 11, approved 8-11-1958]

No person shall occupy for display or for sale of merchandise or other thing any part of a sidewalk except in front of the building used by him in the conduct of his business, except that the Town Manager, with the approval of the Board of Selectmen, may grant to such person a permit for such display or sale the use of a limited area which may be used in the discretion of the Town Manager and with the approval of the Board of Selectmen, and such permit shall be issued only upon the condition that such person agrees in writing to indemnify or save harmless the Town from any claims, loss or damage of any nature whatsoever which may be caused or result from such display or sale. Such permit may be suspended or revoked by the Town Manager or Board of Selectmen for good cause at any time.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND SIDEWALKS / ARTICLE II, Obstructions [Adopted 2-6-1939 ATM, Art. 7as Sections 2 and 18 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. II, of the 1983 Code)] / § 162-5. Obstructions prohibited.

§ 162-5. Obstructions prohibited.

No person, unless he has obtained from the Board of Selectmen a written license therefor, shall place or cause to be placed any lumber, coal, barrel or other obstruction upon any public way or sidewalk and allow it to remain there for more than one hour after being notified by a police officer to remove it.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE II, Obstructions [Adopted 2-6-1939 ATM, Art. 7as
Sections 2 and 18 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. II, of the
1983 Code)] / § 162-6. Violations and penalties. [Added 11-13-1996 STM, Art. 13]**

§ 162-6. Violations and penalties. [Added 11-13-1996 STM, Art. 13]

The provisions of §§ 162-4 and 162-5 may be enforced by any Stoughton police officer through noncriminal disposition pursuant to MGL c. 40, § 21D. Each day upon which a violation exists shall be deemed to be a separate offense. The penalty for violation of §§ 162-4 and 162-5 for purposes of noncriminal disposition shall be \$50.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 4, 5 and 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the
1983 Code)]**

**ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as Sections 4, 5 and 6 of
the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 4, 5 and 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the
1983 Code)] / § 162-7. License required.**

§ 162-7. License required.

No person who is not in the employ of the Town or of some office or department thereof, having authority so to do, shall dig up or excavate or assist in digging up or excavating any part of a public street or a Town way or remove any gravel or similar thing from a public street, highway or Town way unless he has obtained from the Board of Selectmen or its agent a written license therefor.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 4, 5 and 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the
1983 Code)] / § 162-8. Safety requirements.**

§ 162-8. Safety requirements.

Whoever, by virtue of a license issued pursuant to the preceding section, breaks, digs up or excavates or causes to be dug up or broken up or excavated any part of a public street, highway or Town way shall protect same in a manner suitable to the Selectmen or the Town Manager.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 4, 5 and 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the
1983 Code)] / § 162-9. Responsibility for police services. [Added 4-28-1980 ATM,
Art. 61, approved 8-11-1980; amended 10-26-1993 STM, Art. 5]**

**§ 162-9. Responsibility for police services. [Added 4-28-1980 ATM, Art. 61, approved
8-11-1980; amended 10-26-1993 STM, Art. 5]**

Any person, firm or corporation who is not in the employ of the Town or of some office or department thereof, doing any construction, razing, repairing, excavations or surfacing of any public roads or ways to which the public has a right of access, or is upon said public roads or ways while repairing, maintaining or installing any wire or cable above ground or while cutting trees or surveying any land, in such a manner as to substantially interfere with traffic, shall be required to maintain, at the expense of such person, firm or corporation, such police officers on special detail as the Chief of Police may deem necessary to provide for the safety of the public using said roads and ways.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE III, Excavations [Adopted 2-6-1939 ATM, Art. 7 as
Sections 4, 5 and 6 of the 1939 Bylaws, approved 4-3-1939 (Ch. 148, Art. III, of the
1983 Code)] / § 162-10. Restoration of surface.**

§ 162-10. Restoration of surface.

The person to whom a license has been issued pursuant to § 162-7 shall restore such street, highway or Town way to a condition satisfactory to the Board of Selectmen or its authorized agent; and the expense of repairs on such ways rendered necessary by such digging up and accruing within one year thereafter shall be borne by such permittee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43]**

**ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the 1939 Bylaws,
approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-11. Applicability of provisions.**

§ 162-11. Applicability of provisions.

Any private way or unaccepted street in the Town of Stoughton may be laid out, built and accepted as a Town way under the Betterment Act, Chapters 80 and 83 of Massachusetts General Laws.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-12. Size of plans.**

§ 162-12. Size of plans.

The size of plan sheets, scale required and tracings for plans other than approved subdivisions

shall be those required by the Town of Stoughton Planning Board in effect at the time of submission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-13. Plan contents and design criteria.**

§ 162-13. Plan contents and design criteria.

Contents of plans and design criteria shall be those required by the Town of Stoughton Planning Board at the time of submission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-14. Street extensions.**

§ 162-14. Street extensions.

If a lot is located on an unfinished road, street or way shown on a subdivision plan not under the control of the Planning Board, the following standards shall apply:

- A. The petitioner shall be required to have the road surfaced, and any streets built shall be built to the same standards as required by the Planning Board under its Subdivision Control Act^{EN(9)} with a minimum of a twenty-foot pavement.
- B. The petitioner shall be required to install any drainage necessary to ensure the adequate draining of the street.
- C. A minimum of an eight-inch water main shall be installed where the extension of the water system is necessary.
- D. Any construction within 200 feet, more or less, from an existing water main must be connected (no dead ends permitted).
- E. For any construction within 200 feet, more or less, from an existing paved road, the roadway must be completed.

- F. All necessary gates and hydrants as required by the Superintendent of Public Works must be installed.
- G. All builders must connect to the sewer if within 400 feet, more or less.
- H. A bond must be furnished to cover all necessary work.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-15. Profiles.**

§ 162-15. Profiles.

Profiles shall be those required by the Town of Stoughton Planning Board in effect at the time of submission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-16. Construction.**

§ 162-16. Construction.

Construction shall be that required by the Town of Stoughton Planning Board in effect at the time of submission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-17. Street names.**

§ 162-17. Street names.

Names of proposed streets must be satisfactory to the Board of Selectmen and shall not be placed on the plans until they have been submitted and approved by the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 162, STREETS AND
SIDEWALKS / ARTICLE IV, Street Layouts [Adopted 2-6-1939 ATM, Art. 4 of the
1939 Bylaws, approved 4-3-1939; amended in its entirety 4-30-1984 ATM, Art. 43] /
§ 162-18. Public hearing.**

§ 162-18. Public hearing.

Upon the receipt of a petition for the approval of a plan and profile, prepared and submitted in accordance with §§ 162-11 to 162-17 of this article, the Board will hold a public hearing thereon, first giving notice of the time and place thereof by publishing a copy of the order for the hearing in a newspaper published in the Town once in each of two consecutive weeks, the last publication to be at least two days before the hearing, and may notify or require that notification be given to all owners of land abutting the proposed street or way.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 165, SUBDIVISION
SURETIES**

Chapter 165, SUBDIVISION SURETIES

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 5-14-2001, Art. 36. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 165, SUBDIVISION
SURETIES / § 165-1. Authority to accept easement interests.**

§ 165-1. Authority to accept easement interests.

The Planning Board, by majority vote, shall have the authority to accept, on behalf of the Town, an easement interest in land from the owner or owners of land that is the subject of definitive subdivision approval for the sole purpose of permitting the Town (by and through the Planning Board and/or its consultants or contractors) to enter on said land, in the event of a default, in order to perform the improvements shown on the approved subdivision plan that are secured by surety instruments that have been provided to the Town under MGL c. 41, § 81U, Paragraph 7.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 171, TAXICABS

Chapter 171, TAXICABS

[HISTORY: Adopted by the Special Town Meeting of the Town of Stoughton 5-6-1996, Art. 14 (Ch. 152 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parking -- See Ch. 133.
Abandoned vehicles -- See Ch. 176.
Vehicles and traffic -- See Ch. 266.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 171, TAXICABS / § 171-1.
Exterior or roof display of name "Stoughton" prohibited without license.**

§ 171-1. Exterior or roof display of name "Stoughton" prohibited without license.

No taxicab that operates within the Town of Stoughton shall have the name "Stoughton" displayed anywhere on its exterior or roof, unless said taxicab is duly licensed by the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 171, TAXICABS / § 171-2.
Violations and penalties.**

§ 171-2. Violations and penalties.

This chapter may be enforced by any court of competent jurisdiction. The provisions of this chapter may also be enforced by any regular Stoughton police officer or designee of the Stoughton Police Department, by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. The penalty for violation of any provision of this chapter for purposes of noncriminal disposition shall be \$50 for each violation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 176, VEHICLES,
ABANDONED**

Chapter 176, VEHICLES, ABANDONED

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 4-24-1972, Art. 45, approved 8-24-1972 (Ch. 160 of the 1983 Code); amended in its entirety 4-30-1984 ATM, Art. 43. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Parking -- See Ch. 133.
Streets and sidewalks -- See Ch. 162.
Taxicabs -- See Ch. 171.
Zoning -- See Ch. 200.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 176, VEHICLES, ABANDONED / § 176-1. Definitions.

§ 176-1. Definitions.

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

ABANDONED MOTOR VEHICLE -- Any motor vehicle which is found unattended without the current year's registration plates or inspection sticker as required by law, has been continuously parked on any public land or private property for a period of 30 days and is so disabled as to be incapable of being operated under its own power.

JUNKED OR INOPERABLE MOTOR VEHICLE -- Any motor vehicle which is no longer in actual use as a motor vehicle or which is wholly unfit to be operated and as to which any of the following conditions exist:

- A. It has been so damaged by collision, accident or any other means that it is inoperable.
- B. It does not have all of its material parts, including but not limited to four tires and wheels, required headlamps and tail lamps, windshield, radiator, transmission, engine, rear windows and doors.
- C. It is for any reason inoperable.

MOTOR VEHICLE -- Any vehicle which is self-propelled as defined by the Motor Vehicle Code of the Commonwealth of Massachusetts.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART II GENERAL LEGISLATION / Chapter 176, VEHICLES,
ABANDONED / § 176-2. Abandonment prohibited; unlawful storage; exceptions.**

§ 176-2. Abandonment prohibited; unlawful storage; exceptions.

- A. It shall be unlawful for any person to cause a motor vehicle to be abandoned upon any public or private lands in the Town of Stoughton.
- B. It shall be unlawful for any owner, tenant, lessee or anyone else in charge or control of any property in the Town of Stoughton to allow a junked or inoperable motor vehicle to remain on his, their or its property or on the property of which he, they or it are the tenants or in charge or control of for a period of more than 30 days.
- C. Nothing herein contained shall be deemed to prohibit:
 - (1) Any person from parking, storing or repairing a motor vehicle upon private or public property where authorized under the laws of the Commonwealth of Massachusetts or the ordinances of the Town of Stoughton.
 - (2) The placing, keeping or storing of any motor vehicle wholly enclosed or screened in a garage or other building in accordance with Chapter 200, Zoning.
 - (3) The storage of any motor vehicle on the premises of a garage or service station when such motor vehicle is being repaired or is scheduled on the records of said garage or service station for repair.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 176, VEHICLES,
ABANDONED / § 176-3. Removal required; notice.**

§ 176-3. Removal required; notice.

All abandoned, junked or inoperable motor vehicles shall be removed by the owner or operator thereof or by the owner or occupant of the property on which said motor vehicle is located. Upon the failure of the owner or operator of any abandoned, junked or inoperable motor vehicle or of the owner or occupant of the property on which said motor vehicle is located to remove the same within 24 hours after receiving notice from the Police Department or Town Manager to remove the same, the Town may cause the same to be removed as hereinafter provided. Such notice shall be given either by personal service or by certified mail to the owner or operator of such abandoned, junked or inoperable motor vehicle or to the owner or occupant of the property on which said motor vehicle is found.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 176, VEHICLES,
ABANDONED / § 176-4. Towing and impoundment; storage garages.**

§ 176-4. Towing and impoundment; storage garages.

The Police Department of the Town shall have the right to have any offending motor vehicle towed from its location on private property to any of the storage garages designated as provided herein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 180, VISIBILITY AT
INTERSECTIONS**

Chapter 180, VISIBILITY AT INTERSECTIONS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 3-3-1969, Art. 50, approved 4-14-1969 (Ch. 165 of the 1983 Code); amended in its entirety 4-30-1984 ATM, Art. 43. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 162.

Zoning -- See Ch. 200.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 180, VISIBILITY AT
INTERSECTIONS / § 180-1. Height of fences, trees or shrubbery restricted.**

§ 180-1. Height of fences, trees or shrubbery restricted.

No person owning or controlling any property abutting upon two or more intersecting ways in the Town of Stoughton shall construct or maintain any fence or other structure or grow or maintain any hedge, trees or other shrubbery of a height of more than three feet above the level of the adjoining way and within 35 feet of the nearest point of the intersection of such way, so that the same will obstruct the open view of travelers on each abutting way within said distance of 35 feet.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER

Chapter 188, WATER

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water meters -- See Ch. 189.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956]**

ARTICLE I, Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-1.
Statutory authority. [Amended 3-6-1956 ATM, Art. 43]**

§ 188-1. Statutory authority. [Amended 3-6-1956 ATM, Art. 43]

Sections 42G, 42H and 421 of Chapter 40 of the General Laws of the Commonwealth are hereby accepted.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-2.
Applicability.**

§ 188-2. Applicability.

This article shall not apply to water takers on mains of four inches or more at the date of enactment hereof.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I, Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-3. Use of water revenues; establishment of water rates; annual report.

§ 188-3. Use of water revenues; establishment of water rates; annual report.

All Water Department revenue shall be appropriated by the Town for water purposes and for no other purpose, and the rates fixed by the Board of Selectmen, as Water Commissioners, for the sale of water shall be sufficient to meet the operating expenses of the Water Department, including debt incurred by the Town in behalf of the Water Department and interest thereon; and any excess of water revenue above expenses shall be credited to a Water Department available surplus account. Any net surplus in the Water Department available surplus account may be appropriated by the Town for such new construction and replacements as may be considered necessary by the Water Commissioners, and if the net surplus in the Water Department available surplus account represents an amount in excess of the amount required for new construction and replacements, the water rates shall be reduced proportionately. The Board of Selectmen, as Water Commissioners, shall annually, and as often as the Town may require, render a report upon the condition of the works under its charge and on account of its doings, including an account of the receipts and expenditures of the Water Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I, Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-4. Water rates and charges; rules and regulations. [Added 4-30-1984 ATM, Art. 43]**

§ 188-4. Water rates and charges; rules and regulations. [Added 4-30-1984 ATM, Art. 43]

The Board of Selectmen, acting as Water Commissioners, from time to time shall review the water rates and charges and rules and regulations and shall have the authority to increase the rates and charges after a public hearing in accordance with the Massachusetts General Laws.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I, Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-5. Authority to designate location of mains. [Added 3-7-1960 ATM, Art. 41]**

§ 188-5. Authority to designate location of mains. [Added 3-7-1960 ATM, Art. 41]

The Planning Board, in all cases under its jurisdiction, and the Board of Selectmen in all other

cases, shall, at their discretion, order that water mains shall be placed on the opposite side of a way from the gas main, and this shall be equally governing on both the Town, public utilities and any contractors that may be engaged in construction in the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-6.
Authority to levy special assessments.**

§ 188-6. Authority to levy special assessments.

The Board of Selectmen, acting as a Board of Water Commissioners, is authorized to levy special assessments for the construction of water mains in both public and private ways for the conveyance of water to the inhabitants thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-7.
Special assessment costs.**

§ 188-7. Special assessment costs.

- A. The special assessments provided for in § 188-6 shall be levied against the abutters on public and private ways on the basis of an average cost per running foot for a water main of the following specifications: eight-inch ductile iron or cast iron pipe, cement lined. [Amended 4-30-1984 ATM, Art. 43]
- B. The cost of laying of such water main shall also include the cost of whatever hydrants are deemed necessary for adequate fire protection, including the necessary fixtures ordinarily used in making water mains complete units.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-8.
Method of assessment.**

§ 188-8. Method of assessment.

The method of assessment shall be against each parcel of land on both sides of a public or

private way so improved.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-9.
Computation of assessment; cost subject to vote.**

§ 188-9. Computation of assessment; cost subject to vote.

The assessment shall be so computed that the abutters shall pay 100% of the cost of construction based on the cost of the main, materials, labor and incidental expenses. This assessment cost shall be subject to the vote of the Annual Town Meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-10.
Billings for construction costs.**

§ 188-10. Billings for construction costs.

The Board of Selectmen, acting as a Board of Water Commissioners, shall cause each abutter to be billed for the proportionate cost of such water mains after completion of construction.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-11.
Collection of unpaid assessments.**

§ 188-11. Collection of unpaid assessments.

In the event that an assessment, levied pursuant to this article, is not paid within 90 days from the date of billing, the unpaid assessment shall constitute a lien on the property affected, and the cost shall be prorated over a ten-year period in the same manner and with the same interest charges as the most recent sewer assessments of the Town are prorated.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-12.**

Cost of larger mains assumed by Town.

§ 188-12. Cost of larger mains assumed by Town.

In the event that the Board of Selectmen, acting as a Board of Water Commissioners, sees fit to construct water mains in sizes of pipe in excess of that specified in § 188-7, the Town shall assume the difference in cost, payable out of whatever funds are or may be appropriated or established for the installation, maintenance and operation of the water system of the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-13.
Notice of intent to construct water mains; hearing.**

§ 188-13. Notice of intent to construct water mains; hearing.

The Board of Selectmen, acting as a Board of Water Commissioners, is authorized to order water mains constructed without a vote of the Town when in its opinion such mains are necessary; provided, however, that no water main shall be constructed where an assessment is to be levied until legal notice is given of the intention to construct such water main and levy assessment for the same and a hearing given where all parties interested may be heard, such notice to be published in one or more newspapers published in the Town or the county. The notice must give the time and place of the hearing and the location of the water main construction proposed. Such notice shall be published at least 14 days previous to any construction and seven days before the date set for a hearing on the same.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE I,
Use; Rates; Mains [Adopted 3-6-1956, Art. 9C, approved 7-25-1956] / § 188-14.
Restrictions on use of water; violations and penalties. [Added 3-4-1968 ATM, Art.
34, approved 7-23-1968; amended 5-2-1994 ATM, Art. 32]**

**§ 188-14. Restrictions on use of water; violations and penalties. [Added 3-4-1968 ATM,
Art. 34, approved 7-23-1968; amended 5-2-1994 ATM, Art. 32]**

- A. The Board of Selectmen, acting as Water Commissioners, may, as the necessity requires, restrict the use of water.
- B. The provisions of this section shall be enforced by any regular Stoughton police officer or designee of the Stoughton Police Department, by noncriminal complaint pursuant to the

provisions of MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of this section for purposes of noncriminal disposition shall be \$10 for the first violation and \$50 for each subsequent violation.
[Amended 12-1-1997 STM, Art. 25]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE
II, Outdoor Water Use [Adopted 5-5-2008 ATM, Art. 43]**

ARTICLE II, Outdoor Water Use [Adopted 5-5-2008 ATM, Art. 43]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 188, WATER / ARTICLE
II, Outdoor Water Use [Adopted 5-5-2008 ATM, Art. 43] / § 188-15. Water supply
conservation or emergencies.**

§ 188-15. Water supply conservation or emergencies.

- A. Authority. This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts Department of Environmental Protection (the DEP).
- B. Purpose. The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the DEP.
- C. Definitions.

PERSON -- Shall mean any individual, corporation trust, partnership or association, or other entity.

STATE OF WATER SUPPLY EMERGENCY -- Shall mean a state of water supply emergency declared by the DEP under MGL c. 21G, §§ 15 through 17.

STATE OF WATER SUPPLY CONSERVATION -- Shall mean a state of water supply

conservation declared by the Town pursuant to Subsection D of this bylaw.

WATER USERS or WATER CONSUMERS -- Shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

- D. Declaration of a state of water supply conservation. The Town, through its Board of Water and Sewer Commissioners, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water conservation shall be given under Subsection F of this bylaw before it may be enforced.
- E. Restricted water uses. A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Subsection F.
- (1) Day of week outdoor water use. Outdoor watering by water users is restricted to particular days of the week as specified by the Board and stated in the declaration of a state of water supply conservation and public notice thereof.
 - (2) Outdoor water use ban. Outdoor watering is prohibited.
 - (3) Outdoor water use hours. Outdoor watering is permitted only during daily periods of low demand, to be specified by the Board and stated in the declaration of a state of water supply conservation and public notice thereof.
 - (4) Filling swimming pools. Filling of swimming pools is prohibited.
 - (5) Automatic sprinkler use. The use of automatic irrigation sprinkler systems is prohibited.
- F. Public notification of a state of water supply conservation; notification of DEP. Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under Subsection E shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.
- G. Termination of a state of water supply conservation; notice. A state of water supply conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of

the termination of a state of water supply conservation shall be given in the same manner required by Subsection F.

- H. State of water supply emergency; compliance with DEP orders. Upon notification to the public that a declaration of a state of water supply emergency has been issued by the DEP, no person shall violate any provision, restriction, requirement, condition or any order approved or issued by the DEP intended to bring about an end to the state of emergency.
- I. Enforcement.
- (1) This bylaw may be enforced by any police officer of the Town or by the Board of Water and Sewer Commissioners or its agents.
 - (2) This bylaw may be enforced by indictment or on complaint brought in the district court. The maximum penalty for each violation of this bylaw shall be \$300. Each day or portion thereof shall constitute a separate offense.
 - (3) This bylaw may be enforced by noncriminal disposition pursuant to the provisions of G.L. c. 40, § 21D. For purposes of noncriminal disposition, any person who violates any provision of this bylaw shall be subject to a penalty in the amount of \$50 for the first violation, \$100 for the second violation, and \$300 for the third and each subsequent violation. Each day or portion thereof shall constitute a separate offense.
- J. Severability. The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS**

Chapter 189, WATER METERS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-4-1992, Art. 46, approved 9-18-1992 (Ch. 175 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Gas and plumbing standards -- See Ch. 105.
Water -- See Ch. 188.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-1. Testing required.**

§ 189-1. Testing required.

All privately owned water meters must be tested for accuracy in accordance with this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-2. Standards for licensed tester; testing standards.**

§ 189-2. Standards for licensed tester; testing standards.

- A. All tests must be performed by a tester licensed by the Stoughton Department of Public Works. In order to obtain a license a tester must demonstrate proficiency utilizing the American Waterworks Association ("AWWA") standards to the satisfaction of the Stoughton Public Works Department. Before receiving a license, a tester must post a cash bond with the Town Treasurer in an amount to be determined by the Board of Selectmen for any damage incurred.
- B. The tester must also provide evidence of adequate workers' compensation insurance and liability insurance. Every tester must complete an application for a license on a form prescribed by the Stoughton Public Works Department.
- C. All testing must be done in accordance with AWWA standards.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-3. Schedule of testing. [Added 6-8-1993 STM, Art. 6, approved 10-27-1993]**

§ 189-3. Schedule of testing. [Added 6-8-1993 STM, Art. 6, approved 10-27-1993]

- A. The following is a schedule of required testing:

**Meter Size
(inches)**

Regular Testing Schedule

3/4

As required by the Public Works Department, but in no event more frequently than every four years

Meter Size (inches)	Regular Testing Schedule
1 to 2	Every four years
3 to 4	Every two years
4 and over	Annually

- B. Notwithstanding the above schedule, the Stoughton Public Works Department will notify each meter owner in writing of the date by which a test must be completed.
- C. Notwithstanding the above schedule, where the Stoughton Department of Public Works determines that there is evidence of a malfunction or of tampering, it may require the owner, in writing, to have the meter tested more frequently and/or repaired or replaced immediately.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-4. Results of testing.**

§ 189-4. Results of testing.

- A. All results from tests conducted pursuant to this regulation must be in writing and hand delivered or sent by certified mail to:

Stoughton Public Works Department
Water Meter Testing Division
Stoughton Town Hall
10 Pearl Street
Stoughton, MA 02072

- B. Test results must be received by the Stoughton Public Works Department within two weeks of the required test date. Upon receipt, the Department shall respond within a reasonable time in writing, either finding the meter in compliance and issuing a permit or specifying further action required by the owner.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-5. Requests for extensions.**

§ 189-5. Requests for extensions.

A water meter owner may request an extension of time to conduct a test for good cause shown. All such requests must be made in writing to the Stoughton Department of Public Works prior to the date of the scheduled or required test. Such extension may be granted at the sole discretion of the Stoughton Public Works Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-6. Accuracy of meters.**

§ 189-6. Accuracy of meters.

- A. All meters must demonstrate accuracy within a tolerance of +/- 2% as defined by AWWA standards. Any meter which fails to meet the accuracy standard must be repaired or replaced within such reasonable time as is required by the Stoughton Public Works Department.
- B. Any meter which fails to meet the accuracy standard must be retested after repair or replacement in accordance with an order of the Stoughton Public Works Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-7. Cost of testing.**

§ 189-7. Cost of testing.

The cost of all testing, repair and/or replacement of privately owned water meters is the sole responsibility of the owner(s) of the meters.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 189, WATER METERS / §
189-8. Violations and penalties.**

§ 189-8. Violations and penalties.

- A. This chapter may be enforced in any court of competent jurisdiction. The provisions of this chapter may also be enforced by any regular employees of the Stoughton Department of Public Works as well as members of the Water and Sewer Commission, by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this chapter for purposes of noncriminal disposition shall be \$50.
- B. In addition to any other remedies available to the Town, for periods during which owners are in violation of this chapter, they shall be responsible for the costs of water as estimated by the Stoughton Public Works Department.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION**

Chapter 191, WETLANDS PROTECTION

[HISTORY: Adopted by the Annual Town Meeting of the Town of Stoughton 5-5-1997, Art. 41 (Ch. 178 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- Groundwater protection -- See Ch. 107.**
Hazardous waste -- See Ch. 113.
Site plan review -- See Ch. 149.
Zoning -- See Ch. 200.
Conservation Commission -- See Ch. 287.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-1. Purpose.**

§ 191-1. Purpose.

The purpose of this chapter is to protect the wetlands, related water resources, and adjoining land areas in the Town of Stoughton by prior review and the control of activities deemed by the Stoughton Conservation Commission (hereinafter referred to as "Commission") likely to have a significant or cumulative effect upon wetland values, including but not limited to the following:

public water supply, private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, prevention of water pollution, fisheries, wildlife, wildlife habitat, recreation, and aesthetic values; these values are to be collectively known as the "wetland resource area values" protected by this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-2. Definitions.**

§ 191-2. Definitions.

A. The following definitions shall apply in the interpretation and implementation of this chapter:

ABUTTER -- The same as "owner of land abutting the activity."

AREAS SUBJECT TO FLOODING -- Depressions or closed basins which serve as ponding areas for runoff, snowmelt, heavy precipitation, or high groundwater which has risen above the ground surface, and areas which flood from a rise in a bordering waterway or water body.

AGRICULTURE -- Land with resource areas or the buffer zone presently and primarily used in producing or raising one or more of the following agricultural commodities for commercial purposes:

- (1) Animals, including but not limited to livestock, poultry, and bees;
- (2) Fruits, vegetables, berries, nuts, and other foods for human consumption;
- (3) Feed, seed, forage, tobacco, flowers, sod, nursery or greenhouse products, and ornamental plants or shrubs; and
- (4) Forest products under a planned program to improve the quality and quantity.

ALTER -- To change the condition of any area subject to protection under the chapter. Examples of alterations include, but are not limited to, the following:

- (1) The changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention areas;
- (2) The lowering of the water level or water table;
- (3) The destruction of vegetation;
- (4) The changing of water temperature, biochemical oxygen demand (BOD), and other physical, biological or chemical characteristics of the receiving water.

APPLICANT -- Any person who files a notice of intent, or on whose behalf such a notice is filed.

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

BREEDING AREA -- Areas used by wildlife for courtship, mating, nesting, or other reproductive activity, and rearing of young.

BUFFER ZONE -- That area of land extending 100 feet horizontally outward from the boundary of any area in the chapter.

CERTIFICATE OF COMPLIANCE -- A written determination by the issuing authority that work or a portion thereof has been completed in accordance with an order. It shall be made on Form 8 of CMR 10.99.

DETERMINATION or DETERMINATION OF APPLICABILITY -- A written finding by a conservation commission or the Department as to whether a site or the work proposed thereon is subject to the jurisdiction of the Act.^{EN(10)} It shall be made on Form 2 of 310 CMR 10.99

DETERMINATION OF SIGNIFICANCE -- A written finding by a conservation commission, after a public hearing, or by the Department, that the area on which the proposed work is to be done, or which the proposed work will alter, is significant to one or more of the interests identified in the Act.^{EN(11)} It shall be made as part of the order, on Form 5 of 310 CMR 10.99.

NOTIFICATION OF NON-SIGNIFICANCE -- means a written finding by a Conservation Commission, after a public hearing, or by the Department, that the area on which the proposed work is to be done, or which the proposed work will alter, is not significant to any of the interests of the Act.^{EN(12)} It shall be made on Form 6 of 310 CMR 10.99.

ISOLATED LAND SUBJECT TO FLOODING -- Any isolated depression without an inlet which at least once a year confines standing water to a volume of at least one quarter acre-foot of water with an average depth of at least six inches. The boundary is the perimeter of the largest observed or recorded volume of water confined in the basin.

NONTRANSIENT MACRO-ORGANISMS -- Includes the following wetland plants (as defined in MGL c. 131, § 40, or in regulations 310 CMR 10.00) and/or animals visible to the naked eye, including but not limited to: Eubrachiopods, Isopods, Amphipods, Coleoptera, Trichoptera and Pisidiid clams.

NOTICE OF INTENT -- The written notice filed by any person intending to remove, fill, dredge or alter an area subject to protection under the chapter. It shall be made on Form 3 or 4 of 310

CMR 10.99.

ORDER OF CONDITIONS -- The document issued by a conservation commission containing conditions which regulate or prohibit an activity. It shall be made on Form 5 of 310 CMR 10.99.

OWNER OF LAND ABUTTING THE ACTIVITY -- The owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including land located directly across a street, way, creek, river, stream, brook or canal.

PLANS -- Such data, maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the issuing authority to describe the site and/or the work, to determine the applicability of MGL c. 131, § 40, or to determine the impact of the proposed work upon the interests identified Town of Stoughton NOI guidelines.

PRIVATE WATER SUPPLY -- Any source or volume of surface or groundwater demonstrated to be in any private use or demonstrated to have a potential for private use.

PUBLIC WATER SUPPLY -- Any source or volume of surface or groundwater demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, § 160, by the Division of Water Supply of the Department, or demonstrated to have a potential for public use.

RARE SPECIES -- Those vertebrate and invertebrate animal species officially listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife under 321 CMR 8.00.

RESOURCE AREAS BORDERING WATER BODIES or BORDERING -- Touching any bank, flat, marsh, freshwater wetland, beach, meadow dune or swamp that borders on any estuary, creek, river, stream, pond, or lake, or that touches one of the above land areas that itself borders a water body, is a protectable area. (Areas subject to flooding are also protectable.)

RIVERINE WETLAND -- Wetland resource area abutting a river.

SEASONAL WETLAND -- Any areas subject to flooding which form temporary confined bodies of water during periods of high water table and high input from spring runoff or snowmelt or heavy precipitation, and support populations of nontransient macro-organisms or serve as breeding habitat for select species of amphibians.

SELECT SPECIES OF AMPHIBIANS -- Species of amphibians which depend on seasonal wetlands for breeding habitat, including: mole salamanders (*Ambystoma maculatum*, *A. jeffersonianum*, *A. laterale*, and *A. opacum*); four-toed salamanders (*Hemidactylium scutatum*); eastern spadefoot toads (*Scaphiopus holbrookii*); American and Fowler's toads (*Bufo a. americanus* and *B. woodhousii fowleri*); spring peepers (*Hyla c. crucifer*); gray tree frogs (*Hyla versicolor*); wood frogs (*Rana sylvatica*); and fairy shrimp (*Eubranchipus*. sp).

STORM DAMAGE PREVENTION -- The prevention of damage caused by water from storms, including, but not limited to, erosion and sedimentation, damage to vegetation, property or buildings or damage caused by flooding, water-borne debris or water-borne ice.

TEMPORARY CONFINED BODIES OF WATER -- Bodies of water with little or no flow that periodically become dry to such extent that they cannot support sustained fish populations.

TEMPORARY POND OR POOL -- A seasonal wetland.

VERNAL POOL -- Includes 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, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries.

VERNAL POOL HABITAT -- 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 boundaries of such depressions, to the extent that such habitat is within an area subject to protection under the Act^{EN(13)} as specified in the Chapter 0.02(1). These areas are essential breeding habitats, and provide other extremely important wildlife habitat functions during nonbreeding season as well, for a variety of amphibian species such as wood frogs (*Rana sylvatica*) and the spotted salamander (*Ambystoma maculatum*), and are important habitats for other wildlife species.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-3. Jurisdiction.**

§ 191-3. Jurisdiction.

A. Except as permitted by the Commission or as provided in this chapter, no person shall commence to remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas, or their buffer zones:

- (1) Any freshwater wetland, riverine wetland, marsh, wet meadow, bog or swamp, vernal pools;
- (2) Any bank or beach;

- (3) Any lake, pond, river, stream, whether intermittent or continuous, natural or man-made;
 - (4) Any land under aforementioned waters;
 - (5) Any land subject to flooding or inundation by groundwater, surface water, stormwater flowage;
 - (6) Isolated wetlands, including kettle holes;
 - (7) Seasonal wetlands.
- B. Said resource areas shall be protected whether or not they border surface waters.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-4. Exceptions.**

§ 191-4. Exceptions.

- A. The application and permit required by this chapter shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, sanitary sewers, storm sewers, provided that written notice has been given to the Commission at least 48 hours prior to the commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
- B. The application and permit required by this chapter shall not be required for work performed for the normal maintenance or improvement of lands in agricultural use.
- C. The application and permit required by this chapter shall not apply to emergency projects necessary for the protection of public health and safety, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to the commencement of work or within 24 hour after commencement, provided that the Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency, and provided that, within 21 days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and subsequently order restoration and

mitigation measures.

- D. The property located in the Stoughton Technology Park (formerly the North Stoughton Industrial Park) (the "Park") is subject to Final Orders of Conditions dated October 24, 1984, recorded with the Norfolk Registry of Deeds in Book 6533, Page 230; the Conservation Restriction dated September 26, 1984, recorded with said Deeds in Book 6533, Page 236, and the Declaration of Industrial Park Restrictions dated September 26, 1984, recorded with said Deeds in Book 6533, Page 247. In consideration of these existing controls, the application and permit required by this chapter shall not be required for any work performed within the Park. The Park contains approximately 272 +/- acres of land and is bounded by Lindelof Avenue (Route 139), Route 24, Page Street and the municipal boundaries with the Towns of Avon and Randolph.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-5. Requests for determinations; applications for permits;
fees.**

§ 191-5. Requests for determinations; applications for permits; fees.

- A. Any person desiring to know whether or not a proposed activity or an area is subject to this chapter may request, in writing, a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.
- B. The Commission, in an appropriate case, may accept as the request under this chapter the request for determination of applicability (RFD) filed under the Wetlands Protection Act, MGL c. 131, § 40.
- C. Written application shall be filed with the Commission to perform activities regulated by this chapter affecting resource areas protected by this chapter. The application shall include such information and plans deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.
- D. The Commission, in an appropriate case, may accept as the application and plans under this chapter the notice of intent (NOI) application and plans filed under the Wetlands Protection Act, MGL c. 131, § 40.
- E. At the time of an application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40.

- F. Upon receipt of an NOI application or RFD, the Commission shall 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: resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.
- (1) 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.
 - (2) The Commission may require the payment of the consultant fee at any point in its deliberation prior to a final decision. The applicant shall pay the fee, to be put into a consultant services account of the Commission, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public hearings.
 - (3) The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.
 - (4) The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following fee schedule:

Project Cost	Maximum Fee
Up to \$100,000	\$1,500
\$100,001 to \$500,000	\$2,500
\$500,001 to \$1,000,000	\$5,000
\$1,000,001 to \$1,500,000	\$7,500
\$1,500,001 to \$2,000,000	\$10,000

- (a) Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged

at an additional fee of \$2,500 per increment.

- (b) The "project cost" means the estimated, entire cost of the project, including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project applicable to those activities within resource areas protected by this chapter. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.
- G. Filing fees and consultant fees collected pursuant to this chapter shall be administered pursuant to MGL c. 44, §§ 53E and 53E1/2, respectively.
- H. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-6. Public notice and hearings.**

§ 191-6. Public notice and hearings.

- A. An application or a request for determination shall be hand delivered or sent by certified mail to the Commission; eight copies are required. A copy of all applications shall be given by the applicant to the Planning Board, the Zoning Board of Appeals, the Building Inspector and the Board of Health for comments prior to the public hearing. Any person filing a permit application or an RFD with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list from the Assessors.
- B. "Abutter" is defined as (1) owners of land within 100 feet of the property lines, including being directly opposite on any public or private street or way, (2) directly abutting a lake, pond, stream, or river, or within 500 frontage feet of the boundaries of the subject property, or (3) in another municipality. With regard to condominium or apartment units, abutter notification can be sent to the property manager. The notice to abutters shall have enclosed a copy of the permit application or request, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person

making the request. The property owner's signature must be on the application.

- C. The Commission shall conduct a public hearing on any permit application or RFD, 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 fee for publishing the notice must be provided by the applicant to the Commission simultaneously with the submission of a permit application or RFD.
- D. The Commission, in an appropriate case, may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act, MGL c. 131, § 40 and Regulations, 310 CMR 10.00.
- E. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant. The public hearing will not commence until the applicant provides the majority of the return receipts from the certified mail abutter notice to the Commission.
- F. The Commission shall issue a permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.
- G. The Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in Subsection A.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-7. Permits and conditions.**

§ 191-7. Permits and conditions.

- A. If the 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 chapter, 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 the Commission 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 the protected resource areas throughout the community and the watershed, resulting from

past activities, permitted and exempt, and foreseeable future activities.

- B. The Commission is empowered to deny a permit for failure to meet the requirements of this chapter; 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 the regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this chapter; 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.
- C. Buffer zones are presumed important in the protection of those resource areas and their related wetland resource area values protected by this chapter because activities undertaken in close proximity to resource areas are presumed to have a high likelihood of adverse impact upon the resource areas and their related values either immediately or long term, as a consequence of construction and use, which can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetated cover within such buffer zone, unless the applicant rebuts said presumptions concerning protection of and impact upon resource areas with credible evidence to convince the Commission that said buffer zone may be disturbed or altered without harm to the values protected by this chapter.
- D. To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; if such avoidance is demonstrated by credible evidence submitted by an applicant not to be feasible an applicant shall be required to minimize wetlands alteration; and, where alteration is unavoidable, to provide full mitigation.
- E. 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 the 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. Failure to complete a project within the extension period shall require a new filing of a notice of intent. 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.
- F. For good cause, the Commission may revoke or modify a permit or determination issued under this chapter after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to this section, and a public hearing.

- G. The Commission in an appropriate case may combine the permit or determination issued under the chapter with the order of conditions or determination of applicability issued under the Wetlands Protection Act, MGL c. 131, § 40 and Regulations, 10 CMR 10.00.
- H. 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.
- I. The Commission shall, after receiving a written request for a certificate of compliance and an as-built plan certified as necessary and appropriate, in the Commission's discretion, by a professional engineer and/or a professional land surveyor, both licensed in the Commonwealth of Massachusetts, to be in substantial compliance with the plan approved under the order of conditions, inspect the resource area and buffer zone where any activity governed by a permit issued under this chapter was carried out, and, if such activity has been completed in accordance with said permit, the Commission shall, within 21 days after receiving such written request, issue a certificate of compliance evidencing such determination, which may, in appropriate cases, be combined with a certificate of compliance issued under the Wetlands Protection Act. A certificate of compliance may specify conditions in the permit which will continue to apply. The certificate of compliance shall be recorded in the same manner as a permit, and proof of recording shall be provided by the applicant to the Commission, as set forth herein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-8. Regulations.**

§ 191-8. Regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this chapter. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.
- B. At a minimum, these regulations shall define key terms in this chapter not inconsistent with the chapter and procedures governing the amount and filing of fees.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS**

PROTECTION / § 191-9. Security.

§ 191-9. Security.

As part of a permit issued under this chapter, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder be secured wholly or in part by one or more of the methods described below:

- A. By deposit of money (certified check or cash) sufficient, in the opinion of the Commission, to be released in whole or in part upon issuance of a certificate of compliance for work performed pursuant to the permit. Any deposit of money received in accordance with this section shall be administered in accordance with MGL c. 44, § 53E1/2.
- B. By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-10. Enforcement; violations and penalties.**

§ 191-10. Enforcement; violations and penalties.

- A. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this chapter.
- B. 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 chapter and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- C. The Commission shall have authority to enforce this chapter, its regulations, and permits issued thereunder by violation notices, enforcement orders and civil and criminal court actions. Any person who violates provisions of this chapter 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.

- D. Any person who violates any provision of this chapter, or regulations, permits, or enforcement orders issued thereunder, shall be punished by a fine as outlined in the schedule below. 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 chapter, regulations, permits, or administrative orders violated shall constitute a separate offense.
- E. As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the noncriminal disposition procedure set forth in MGL c. 40, § 21D. When so enforcing, any violation of this chapter shall be punishable as follows:
- (1) First offense: a warning.
 - (2) Second offense: a penalty of \$200.
 - (3) Third offense: a penalty of \$300.
 - (4) Each additional offense: a penalty of \$300.
- F. The Building Inspector and the Stoughton police officers shall be the enforcing persons for the purpose of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-11. Burden of proof.**

§ 191-11. Burden of proof.

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

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-12. Appeals.**

§ 191-12. Appeals.

A decision of the Commission shall be reviewable in the Superior Court in accordance with

MGL c. 249, § 4.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 191, WETLANDS
PROTECTION / § 191-13. Relation to Wetlands Protection Act.**

§ 191-13. Relation to Wetlands Protection Act.

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, MGL c. 131, § 40, and Regulations, 310 CMR 10.00, thereunder.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING**

Chapter 200, ZONING

[HISTORY: Adopted by the Town Meeting of the Town of Stoughton 9-8-1970. Amendments noted where applicable.]

GENERAL REFERENCES

- Numbering of buildings -- See Ch. 73.
- Fire prevention -- See Ch. 100.
- Subdivision sureties -- See Ch. 165.
- Wetlands protection -- See Ch. 191.
- Zoning Board of Appeal -- See Ch. 318.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,
Title, Authority, and Purpose**

ARTICLE I, Title, Authority, and Purpose

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE I,
Title, Authority, and Purpose / § 200-1. Title; purpose.**

§ 200-1. Title; purpose.

The "Stoughton Zoning By-Law and Map" adopted in 1964 and all subsequent amendments thereto are hereby amended in total and a revised "Stoughton Zoning By-Law and Map," hereinafter called "this chapter," is adopted pursuant to the authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Act." In addition to the purposes stated in the Zoning Act, this chapter shall give direction and effect to the Stoughton Master Plan as last revised.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
II, Definitions and Word Usage**

ARTICLE II, Definitions and Word Usage

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
II, Definitions and Word Usage / § 200-2. Word usage.**

§ 200-2. Word usage.

For the purpose of this chapter certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural, 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 Stoughton Building Code or Subdivision Regulations shall have the 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, Third Edition. Uses listed in the Table of Use Regulations^{EN(14)} under classes "Retail and Service Trades" and "Wholesale Trade and Manufacturing" shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE**

II, Definitions and Word Usage / § 200-3. Terms defined.

§ 200-3. Terms defined.

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

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

ADULT ENTERTAINMENT ESTABLISHMENTS

A. Shall include and be defined as follows:

- (1) **ADULT BOOKSTORE** -- An establishment having as a substantial or significant portion of its stock-in-trade printed matter, books, magazines, picture periodicals, motion-picture films, videocassettes, or coin-operated motion-picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual conduct" as that term is defined in MGL c. 272, § 31; "sexual devices" or an establishment having for sale sexual devices, which shall mean any artificial human penis, vagina or anus or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including: dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations, or an establishment with a segment or section devoted to the sale or display of such materials.
- (2) **ADULT MOTION-PICTURE THEATER** -- An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating "sexual conduct" as defined in MGL c. 272, § 31, for observation by patrons therein.
- (3) **ADULT MINI-MOTION-PICTURE THEATER** -- An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "sexual conduct" as defined in MGL c. 272, § 31 (as defined below), for observation by patrons therein.
- (4) **ADULT LIVE ENTERTAINMENT ESTABLISHMENTS** -- Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in MGL c. 272, § 31.
- (5) **MASSAGE SERVICE ESTABLISHMENTS** --

- (a) **MASSAGE** -- Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.
 - (b) The practice of massage shall not include the following individuals while engaged in the personal performance of duties or their respective professions:
 - [1] Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
 - [2] Nurses who are registered under the laws of the Commonwealth of Massachusetts.
 - [3] Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.
- B. **Statement of purpose.** In the development and execution of this chapter and amendments, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other which would create such adverse effects).
[Added 12-6-1982 STM, Art. 1]

ALTERATION -- Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

AQUIFER PROTECTION AREAS -- Certain areas consisting of aquifers and/or aquifer recharge areas, including areas that through hydrogeologic testing are considered for potential public water supply, which are delineated on a map entitled "Town of Stoughton, Massachusetts

Town-wide Hydrogeologic Study, Hydrogeologic Zone Delineations and Groundwater Protection Areas, Camp Dresser & McKee, Inc., Environmental Engineers, Cambridge, Massachusetts, Scale: one inch equals 1,200 feet, January 1993" and as it may be amended from time to time by vote of the Town Meeting. Said map is on file with the office of the Town Clerk. The Aquifer Protection Area is further described as follows: "The protective areas delineated as Zone II and Zone IIIA on the above-referred to map." [Added 4-30-1991 TM, Art. 15; amended 5-3-1993 ATM, Art. 54]

AUTOMOTIVE REPAIR OR SERVICE STATION -- A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle or other automotive equipment. [Added 4-24-1978 ATM, Art. 60]

BASEMENT -- A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or one-half of the total height above the finished grade, whichever is greater.

BEDROOM -- Any area in a dwelling unit which is or could be used for the provisions of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guestroom, maid's room, dressing room, den, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit, such as living room, dining room, or kitchen, shall not be considered a bedroom, nor shall bathrooms, halls or closets having no horizontal dimensions over six feet. [Added 4-28-1975 TM, Art. 44]

BOARD -- The Zoning Board of Appeals of the Town of Stoughton, Massachusetts.

BOARDINGHOUSE -- A building other than a hotel, motel, cafe, restaurant, where, for compensation, meals and lodgings are provided for three or more persons. [Added 4-24-1978 TM, Art. 60]

BUILDING -- A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING, ACCESSORY -- A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING AREA -- The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces, expressed as a percentage of total lot area.

BUILDING, ATTACHED -- A building having any portion of one or more walls in common with adjoining buildings.

BUILDING, DETACHED -- A building having open space on all sides.

BUILDING LINE -- The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located; except in the case of a rear lot, the building line shall be that line to the rear of the rear property line of the front lot, and it shall not be less than the depth of the required front yard for the zoning district in which the lot is located. [Added 4-24-1978 TM, Art. 60]

BUILDING, PRINCIPAL -- A building in which is conducted the principal use of the lot on which it is located.

BUILDING, SEMI-DETACHED -- A building, which has one party wall in common with an adjacent building. [Added 4-24-1978 TM, Art. 60]

BUSINESS OFFICE OR SERVICE -- A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, personal services, such as barber and beauty shops, and repair shops, such as radio, television, and automotive, are not to be included in the definition of business offices. [Added 4-24-1978 TM, Art. 60]

CAMPER TRAILER -- A folding structure, mounted on wheels and designed for travel, creation, and vacation use. [Added 4-24-1978 TM, Art. 60]

CELLAR -- A portion of a building, partly or entirely below grade, which has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

CLUSTER DEVELOPMENT -- A division of land into lots for use as single-family building sites where said lots are arranged into more than one group having area and yard measurements less than the minimum required in the Table of Dimensional and Density Regulations.^{EN(15)} These clusters or groups shall be separated from adjacent property and other groups of lots by intervening "common land." The number of lots over the entire tract of land shall not exceed the number of lots permitted under normal application of the Table of Dimensional and Density Regulations of the zone in which the tract of land is located. The number of lots in a group shall not exceed eight. [Amended 6-23-1975 TM, Art. 14]

COMMON LAND -- Land in a subdivision not required for lots which shall be set aside for recreation, park purposes, or retained as natural woodland, accessible from all sections of the development, designed and intended for the use and enjoyment of the residents within the subdivision or community. [Added 6-23-1975 TM, Art. 14]

COMMUNITY FACILITIES -- Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports, or similar membership organizations.

COMPACT PARKING SPACE -- An open space on a lot or in a garage used for parking motor vehicles, the dimensions of which are not less than eight feet wide by 18 feet long and to which there is an access from a street, plus not less than 81 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle, and further being surfaced with a bituminous or cement concrete pavement. [Added 5-5-1997 STM, Art. 8]

DISTRICT -- A zoning district as established by Article III of this chapter.

DRIVE-IN ESTABLISHMENT -- A business establishment that includes service that is provided from a drive-up or drive-through window or other similar arrangement that allows the service of a patron while the patron remains in a vehicle, whether parked or live parked. The term shall include eating establishments and service establishments such as banks, dry cleaners, pharmacies, photo shops and the like and automotive service and gasoline stations and the like. [Amended 5-4-2009 ATM, Art. 51]

DRIVEWAY -- A paved area located on a lot built for access to a garage, or off-street parking or loading space. (See Article IX.) [Added 4-25-1983 STM, Art. 39]

DWELLING -- A privately or publicly owned permanent structure containing a dwelling unit, or dwelling units. The term "one-family," "two-family" or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, trailer or dormitory.^{EN(16)}

DWELLING, TWO-FAMILY -- A detached building containing two dwelling units. Only one such building shall be developed on any one lot. [Amended 4-26-1976 TM, Art. 38]

DWELLING UNIT -- One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EFFECTIVE DATE -- The effective date of any requirement hereto or any amendment thereto subsequently adopted shall be the date that Town Meeting votes adoption, pending subsequent approval by the Attorney General, and posting or publishing the printed bylaw or amendments thereto; however, no building or special permit may be issued for any proposed structure or use which would be affected by any proposed new bylaw or amendment from the date first advertised for public hearing on such bylaw or amendment. [Amended 4-24-1978 TM, Art. 69]

ESSENTIAL SERVICES -- Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems. Facilities necessary for the provisions of essential services include

poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety and general welfare.

EXCEPTION -- A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and the approval of the Board and in accordance with provisions of § 200-64.

FAMILY -- One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

FAST-ORDER FOOD -- Food which is (a) primarily intended for immediate consumption; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) served on paper plates or in paper containers, consumed with plastic utensils; and (e) of a self-service nature, that is, no waitresses or waiters are involved. Patrons place their order at a counter and take it to a table on the premises or leave the premises. [Added 4-24-1978 TM, Art. 60]

FAST-ORDER FOOD ESTABLISHMENTS -- An establishment whose primary business is the sale of fast-order food for consumption on or off the premises.

FLOOD LINE -- The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in five or more years, as determined and certified by a registered professional engineer, qualified in drainage.

FLOODWAY -- The area subject to periodic flooding, the limits of which are determined by the flood line.

FLOOR AREA, GROSS -- The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, or any such floor space intended and designed for accessory heating and ventilating equipment.

HEIGHT -- The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable of the slope of a hip roof.

HOME OCCUPATION -- An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not

occupy more than 40% of the net floor area or 400 square feet, whichever is less, of the dwelling unit so used. In connection with such use there is to be kept no stock-in-trade nor commodities sold on the premises. Such use shall be carried on by the occupants of the dwelling unit with no more than one nonresident employee, and shall not in any manner change the residential character of the building.

HOSPITAL -- A building providing twenty-four-hour in-patient services for the diagnosis, medical and surgical treatment and care of human ailments.

HOTEL -- A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house, or rooming house.

JUNKYARD -- An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills. [Added 5-4-1992 TM, Art. 38]

LOADING SPACE -- An off-street space used for loading or unloading not less than 14 feet in width, 45 feet in length and 14 feet in height, and containing not less than 1,300 square feet, including both access and maneuvering area.

LODGING UNIT -- One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A lodging unit shall include rooms in boardinghouses, tourist houses, or rooming houses.

LOT -- An area or parcel of land or part thereof, not including water area, in common ownership, designated on a plan filed with the administrator of this chapter by its owner or owners as a separate lot.

LOT, CONTIGUOUS -- A lot which physically abuts another lot or lots under common ownership, or a lot which is physically separated from another lot or lots under common ownership only by a street in which the fee ownership is retained by the party owning the abutting lots. [Added 5-5-1997 STM, Art. 8]

LOT, CORNER -- A lot at the point of intersection of and 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 lot lines, being not more than 135°.

LOT DEPTH -- The horizontal distance between the front lot line and the rear lot line. [Amended 5-5-1997 TM, Art. 43]

LOT FRONTAGE -- The horizontal distance measured along the front lot line between the

points of intersection of the side lot lines with the front lot line.

LOT LINE, FRONT -- The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

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

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

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

LOT, THROUGH -- An interior 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 between side lot lines, as required by the Table of Dimensional and Density Regulations,^{EN(17)} is to be measured at the minimum front yard depth (required setback distance), at the minimum required lot depth, and at all intermediate side line points. [Amended 5-1-1991 TM, Art. 17]

MEMBERSHIP CLUB -- A social, sports, or fraternal association or organization, which is used exclusively by members and their guests, which may contain bar facilities.

MOBILE HOME -- Any manufactured, transportable, year-round structure on one or more chassis and containing a flush toilet, bath or shower, and a kitchen sink; designed to be connected to a piped water supply, sanitary sewage system and electric or gas service. [Added 4-24-1978 TM, Art. 60]

MOTEL -- A building or group of buildings containing one or more guest rooms with separate outside entrances for each room or suite of rooms and for which room or suite of rooms automobile parking space is provided. [Added 4-24-1978 TM, Art. 60]

MULTIFAMILY APARTMENT HOUSE -- Any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units with shared means of egress. [Added 6-23-1975 TM, Art. 15]

MULTIFAMILY ROWHOUSE (TOWNHOUSE, CONDOMINIUM) -- An attached or semidetached building or structure with continuous or common walls containing three or more dwelling units. [Added 6-26-1976 TM, Art. 39]

OFFICES -- Space or rooms used for professional, administrative, clerical, and similar uses. [Added 4-24-1978 TM, Art. 60]

OPEN SPACE -- The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to streets, driveways, or off-street parking or loading spaces and expressed as a

percentage of total lot area.

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

PARKING SPACE -- An open space or a garage, on a lot used for parking motor vehicles, the dimensions of which are not less than nine feet wide by 19 feet long and to which there is an access from a street, plus not less than 100 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle, and further being surfaced with a durable pavement.

PLANNED UNIT DEVELOPMENT -- A development permitting single-family, two-family, and multifamily dwelling units, community facilities and commercial facilities on a single tract of land arranged in such a manner so that the number of dwelling units and/or facilities on said tract of land is consistent with the zoning in which the tract is located (namely, RU, RC, RB, RA, and R-M) and further that the number of dwelling units and/or facilities in all other zones (namely GB, HB, NB, I) shall be consistent with R-M zoning. [Amended 4-29-1974 TM, Art. 20]

PROFESSIONAL OFFICE OR SERVICE -- An office for the conducting and operating of a profession. For the purposes of this chapter, professional occupations shall be limited to the practice of accounting, insurance, real estate, medicine, law, dentistry, architecture, planning and engineering. [Added 4-24-1978 TM, Art. 60]

QUARRYING -- The business or occupation of extracting stone from an open excavation. Quarrying does not include the excavation and removal of sand and gravel.

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

ROOMING HOUSE -- Any building or portion thereof which contains at least three, nor more than nine guest rooms which are designed for lodging, with or without meals, and are provided for compensation. [Added 4-24-1978 TM, Art. 60]

ROOMS -- As applied to all residential dwelling units, a room shall be defined as a living room, kitchen, and/or bedrooms. A kitchenette which does not include space for eating, and a dining area of which one full wall opens into a living room shall be counted as 1/2 room each. A bathroom shall not count as a room. [Added 4-24-1978 TM, Art. 60]

SHOPPING CENTER or PLANNED BUSINESS DEVELOPMENT [Added 4-24-1978 TM, Art. 60; amended 11-1-1988 TM, Art. 9]

A. One or more retail stores or commercial buildings with a unified plan and/or architectural scheme (as determined by the Zoning Board of Appeals in the special permit), on a single

parcel of land or on single parcels contiguously arranged, and shall include, but shall not be limited to the following:

- (1) Department and retail stores.
 - (a) A department store, general merchandise store, or a food market having a total gross floor area of at least 20,000 square feet of gross floor area; and
 - (b) One or more retail stores having a total gross floor area of at least 20,000 square feet of gross floor area; or
- (2) A single store containing a minimum of 175,000 square feet of gross floor area in the aggregate, of which a minimum of 50,000 square feet of gross floor area is devoted to retail sales of one or more of the following: dry goods, apparel and accessories, furniture and home furnishings, home equipment, hardware, or the like. Such store may also contain other uses permitted in the district by right or by special permit and such other, accessory, uses as the Zoning Board of Appeals permits in the special permit for the Planned Business Development.

B. Parking for the Planned Business Development shall be permitted as determined by the Zoning Board of Appeals in the special permit, provided the minimum requirements of § 200-70 are satisfied.

SIGN -- Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

SIGN, BUSINESS -- A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, IDENTIFICATION -- A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

SIGN, SURFACE AREA OF

- A. For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with background, whether open or enclosed, on which they are displayed, but not including any supporting framework.
- B. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols.

SITE PLAN -- A plan for a lot or subdivision on which is shown existing and proposed topography, the location of all existing and proposed buildings, structures, road, rights-of-way, boundaries, all essential dimensions and bearings, utilities, and physical features, including natural waterways, bodies of water, existing stone walls, fences, all trees over six-inch caliper, rock ridges, and outcroppings, and swamps; and any other information deemed necessary by the Zoning Board of Appeals in unusual or special cases. [Added 4-24-1978 TM, Art. 60]

SLOPE -- The ratio of vertical rise over horizontal distance and is expressed as a fraction or percentage: e.g., 1/5 or 20%. [Added 6-23-1975 TM, Art. 14]

STORY -- That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed a story.

STREET -- A way which is over 24 feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certified is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the "Subdivision Rules, Regulations, and Requirements, in Stoughton, Massachusetts" and a way having, in the opinion of the Stoughton Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected on or to be erected thereon.

STRUCTURE -- A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, swimming pool, or the like.

STRUCTURE, NONCONFORMING -- A structure lawfully existing at the effective date of this chapter or any subsequent amendment thereto, which does not conform to one or more provisions of this chapter.

TEMPORARY ADDITIONAL LIVING AREA -- The Board of Appeals, as a special permit granting authority, may issue a special permit authorizing the conversion and use of a portion of a single-family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said permit shall be valid only for the occupancy of the premises by the person for whom it is issued; upon cessation of occupancy by such person, the permit shall lapse, and be null and void. If occupancy of the additional living area is then desired by another family member of the owner or owners, a new application for a special permit authorizing such occupancy shall be made. It is the intention of this provision that such additional living area shall not be used as an apartment for hire, but only as a convenience for a member of the owner's family, under special circumstances. [Added 4-25-1983 STM, Art. 40]

TRAILER -- Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or temporary business use in conjunction with construction, or is a place in which persons may congregate, including a house trailer or camper.

TRAILER AND RECREATIONAL VEHICLE -- A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation. [Added 4-24-1978 TM, Art. 60]

USE -- The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

USE, ACCESSORY -- A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed 40% of the area of the total use of the structure or lot on which it is located, but this area limitation shall not be applicable either to: (i) accessory off-street parking and loading spaces, whether or not in excess of that required in Article IX, (ii) Accessory filling of water, wet area or depression, or (iii) accessory removal of gravel, sand, or other earth material incidental to and in connection with the construction of a building or a lot. [Amended 4-28-1980 TM, Art. 5]

USE, NONCONFORMING -- A use lawfully existing at the time of adoption of this chapter or any subsequent amendment thereto, which does not conform to one or more provisions of this chapter.

USE, PRINCIPAL -- The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this chapter. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this chapter shall be considered an accessory use.

USE, SUBSTANTIALLY DIFFERENT -- 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 use to which it is being compared.

VARIANCE -- Such departure from the terms of this chapter as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Article XI.

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. A court shall not be considered to be a yard or any part thereof.

YARD, FRONT -- A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

YARD, REAR -- A yard except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE -- Yard extending for the full length of a building between the nearest building wall and the side lot line.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
III, Establishment of Zoning Districts**

ARTICLE III, Establishment of Zoning Districts

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
III, Establishment of Zoning Districts / § 200-4. Division into districts. [Amended
4-24-1978 TM, Art. 53; 5-3-1999 TM, Art. 3]**

§ 200-4. Division into districts. [Amended 4-24-1978 TM, Art. 53; 5-3-1999 TM, Art. 3]

The Town of Stoughton, Massachusetts is hereby divided into 10 zoning districts to be designated as follows:

Full Name	Short Name
Residential-Suburban A	RA
Residential-Suburban B	RB
Residential-Suburban C	RC
Residential-Urban	RU
Residential-Multifamily	R-M
Central Business District	CBD

Full Name	Short Name
General Business	GB
Neighborhood Business	NB
Highway Business	HB
Industrial	I

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
III, Establishment of Zoning Districts / § 200-5. Zoning Map.**

§ 200-5. Zoning Map.

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the Town of Stoughton, Massachusetts, Map C," dated June 29, 1970, which accompanies and is hereby declared to be a part of this chapter. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and the imprinted Seal of this Town under the following words: "This is to certify that this is the Zoning Map of the Town of Stoughton, Massachusetts, referred to in the Zoning By-Law of the Town of Stoughton, Massachusetts, which was approved by the Town Meeting on June 29, 1970."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
III, Establishment of Zoning Districts / § 200-6. Changes to map; specifications.**

§ 200-6. Changes to map; specifications.

Any change in the location of boundaries of a zoning district hereinafter made through the amendments of this chapter shall be indicated by the alteration of such map, and the map thus altered as declared to be part of the chapter thus, amended. The Zoning Map shall be drawn to scale of one inch equals 600 feet with ink in stable material, and shall be located in the Office of the Building Inspector. Photographic reductions of this large-scale map may serve as copies of the Zoning Map.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
III, Establishment of Zoning Districts / § 200-7. Boundaries of districts.**

§ 200-7. Boundaries of districts.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

- A. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, 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 dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a dimensional boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the center line of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent to the curve at the point of intersection.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts**

ARTICLE IV, Flood Hazard, Wetlands and Watershed Districts

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-8. Short title.**

§ 200-8. Short title.

This article shall be known as the "Wetlands Protection Bylaw" of the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-9. Purposes.**

§ 200-9. Purposes.

The purpose of this Wetlands Protection Bylaw are:

- A. To provide that the lands hereafter described in the Town of Stoughton, Massachusetts subject to seasonal or periodic flooding shall not be used in such a manner as to endanger the health or safety of the occupants or neighbors thereof.
- B. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve existing and potential public and private water supplies, thereby assuring the public health and safety of the residents of the Town of Stoughton.
- C. To assure the continuation of the natural flow pattern of the watercourses within the Town of Stoughton in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.
- D. To protect the community against costs and hazards to life, health and safety which may be incurred when unsuitable development occurs in watershed areas and in swamps, marshes, bogs, wet meadows, and other wetlands, along watercourses, or in areas subject to floods.
- E. To protect existing property owners from damages arising out of the development of watershed areas, flood hazard areas and wetland areas, including damages consequent to the obstruction of flood run-off and consequent to the disruption of the natural water table resulting from the alteration of existing surface or subsurface water flows.
- F. To protect future property owners who, but for these regulations, would purchase, develop or use for residential, business, industrial or recreational purposes, areas subject to periodic damage by flooding.
- G. To protect the Town from individual choices in the use of land which would likely require significant and extraordinary subsequent public expenditures for public works or disaster relief.
- H. To conserve in those areas not suitable for the purposes prohibited in this article, natural condition, wildlife and open spaces for the general health, safety, and welfare of the public.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-10. Official maps;
definitions.**

§ 200-10. Official maps; definitions.

A. The official Flood Hazard/Wetland/Watershed Maps of the Town of Stoughton shall be those maps entitled, "Flood Hazard/Wetlands/Watershed Maps, Town of Stoughton, Massachusetts, dated October 1976 revised December 3, 1976" (hereinafter "Official Maps") which have been prepared by C. E. Maguire, Inc., and which consist of 101 individual maps drawn to the scale of one inch equals 100 feet and an index sheet which are incorporated as a part of this article, and the Federal Flood Insurance Rate Map and Flood Boundary and Floodway Map, Town of Stoughton, Massachusetts, Norfolk County Community Panel Numbers -- 250253 0001; 250253 0001B; 250253 0002; 250253 0002B; 250253 0004; 250253 0004B; whichever map being the more restrictive in any particular area shall govern for that area; and which shall be kept by the Building Inspector and copies in the office of the Town Clerk of the Town of Stoughton and shall be certified by the Town Clerk of the Town of Stoughton as being true and complete copies of said Wetlands Maps as adopted by the Town Meetings as the same may from time to time be amended or updated by action of the Town Meeting through the process required by law for the adoption of zoning bylaw changes. All references in this Wetlands Protection Bylaw to "Wetlands Maps" shall be deemed to be referenced to the "Official Maps" unless the context otherwise specifically requires. [Added 4-26-1982 ATM, Art. 48]

B. Definitions.

APPLICANT -- A prospective purchaser who shall have signed a binding purchase and sales agreement for a landowner's property or a landowner or the duly appointed agent or representative of such landowner or prospective purchaser and who shall have applied for a building or special permit, or a variance, or who shall have taken any other action under or pertaining to this Wetlands Protection Bylaw.

DRAINAGE REPORT -- The report entitled "Update of 1963 Report on Drainage Facilities for Stoughton, Massachusetts, Section I," dated October, 1976 as amended through December 30, 1976, and as adopted by the Board of Selectmen on April 12, 1977, and prepared by C. E. Maguire, Inc., Architects and Engineers, which is incorporated as a part of this article. The master copy of the drainage report shall be kept by the Building Inspector and shall be certified by the Town Clerk as being a true and complete copy as adopted by the Town Meeting. Any changes or updates to such drainage report shall be incorporated into this Wetlands Protection

Bylaw only through the process required by law for adoption of zoning bylaw changes.

ENGINEERING PRESUMPTION -- There shall be a strong presumption that the formulas, assumptions, constants, theories and engineering approaches incorporated directly or by reference in the drainage report, including, without limiting the generality of the foregoing, the assumptions pertaining to the intensities and durations of one-hundred--year storms, co-efficients of run-off, time of concentration, flow in conduits, flow in open channels, friction coefficients and drainage areas are correct and complete and produce accurate results when applied to problems involving the movement and storage of water along or under the surface of the ground. The term shall mean further that an applicant shall be able to rebut this presumption of accuracy only by a showing, using competent engineering data, that it is more likely than not that the use of formulas, assumptions, constants, theories and engineering approaches other than those which are given the benefit of the engineering presumption herein, will produce more accurate results than those which have the benefit of such presumption.

EXCLUDING FLOOD HAZARD, WETLAND, AND WATERSHED DISTRICTS -- All Flood Hazard, Wetland, and Watershed Districts, designated on the Official Maps, which meet the following size and configuration specifications have been marked through with an "X." These districts are not subject to the provisions of this Wetlands Protection Bylaw and may be used for any purpose permitted in the underlying zoning district in which they are located. Such excluded districts are isolated Flood Hazard and Wetland Districts which comprise an aggregate surface area of 10,000 square feet or less computed by adding the total surface areas of all such isolated Flood Hazard and Wetland Districts which lie within a continuous Watershed District, and those isolated Industrial Zoned Wetland Districts within a continuous Watershed District that do not exceed an area of 4,500 square feet and are no closer than 100 feet to a Flood Hazard District or Wetland District. Notwithstanding the foregoing, no Flood Hazard or Wetland District is excluded from the provisions of this Wetlands Protection Bylaw if it is part of a stream, creekbed, brook, river, or other waterway. Furthermore, such excluded districts are still subject to any other federal, state or local laws governing activities in flood hazard, wetland and watershed areas. [Amended 4-28-1980 TM, Art. 55]

FLOOD HAZARD AREAS -- All areas subject to inundation during a one-hundred-year storm.

INFORMATIONAL FLOOD HAZARD/WETLAND/WATERSHED MAP -- For the convenience of those persons who wish to obtain copies of a map which, with reasonable accuracy, delineates the Flood Hazard, Wetland, and Watershed Districts of the Town of Stoughton, the Building Inspector and the Town Engineer shall prepare and have available for inspection and for copying (at the expense of the person requesting such copying) a single map of the entire Town of Stoughton, which shall be drawn to a scale of one inch equals 600 feet and which shall indicate, with as much accuracy as such scale will permit, all of the Flood Hazard, Wetland and Watershed Districts indicated on the Official Maps. In addition, the Building Inspector and the Town Engineer may prepare for general circulation and for convenience of

reference only such other copies of the Official Maps and the Informational Map drawn to such other scales, as they shall deem necessary or appropriate.

WATERSHED AREAS -- All areas in the Town of Stoughton which border and lie within 100 feet of flood hazard areas, wetland areas, rivers, brooks, lakes, ponds or stream systems.

WETLAND AREAS -- All areas in which the water table is seasonably at or near the surface of the ground although such areas may not be entirely covered by standing or flowing water during a one-hundred-year storm, intending hereby to include generally all rivers, creeks, streams, brooks, ponds, lakes, and other waterways, and in addition all "bogs," "freshwater wetlands," "marshes," "swamps," and "wet meadows" as those terms are defined by Chapter 818 of the Acts of 1974 of the Commonwealth of Massachusetts.^{EN(18)}

WETLAND, FLOOD HAZARD AND WATERSHED DISTRICTS -- The Wetland, Flood Hazard, and Watershed Districts are designated on the Wetlands Maps. These districts have been delineated after careful study and represent as accurately as possible the wetland, flood hazard, and watershed areas in the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-11. Use regulations.**

§ 200-11. Use regulations.

A. In Flood Hazard and Wetland Districts. The Flood Hazard and Wetlands Districts shall be considered as overlying other zoning districts. Any use permitted in the portions of the zoning districts so overlaid shall be permitted (subject to the applicable provision of Subsection C of this section) in the Flood Hazard and Wetland Districts, provided that, except as herein otherwise specifically provided, no building or structure shall be erected, constructed, altered, enlarged or moved into or within, no dumping, paving, filling or earth transfer or relocation shall be permitted nor shall such districts be used for any purpose except the following, which shall be allowed only to the extent permitted in the underlying zoning district and subject to all other applicable Town bylaws and to all federal, state, or local regulations governing construction in flood hazard or wetland areas or otherwise pertaining to the proposed use:

- (1) Conservation of water, plants and wildlife.
- (2) Wildlife management areas, foot, bicycle and/or horse paths.
- (3) Farming, including truck gardening, forestry nurseries, and harvesting of crops, provided that such activities are more distant than 10 feet from the normal high water

mark for the month of April of any stream, brook, or other waterway.

- (4) Grazing of livestock.
- (5) Routine operation, maintenance and cleaning of existing dams, culverts, drainage, ditches, streams, rivers, ponds, lakes, and other waterways and water-control devices, subject to state and local laws.
- (6) Temporary alteration of water levels and drainage and storage patterns for emergency reasons subject to the emergency procedures set forth in MGL c. 131, § 40, or any successor statute thereto.
- (7) Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings or accessory buildings except as otherwise herein permitted.
- (8) Structures (whether located in or outside of Wetland or Flood Hazard Districts) lawfully existing prior to the adoption of this Wetlands Protection Bylaw (hereafter "preexisting structures"), including enlargement and/or extension thereof, into Flood Hazard or Wetland Districts and the maintenance and reconstruction thereof, or construction of accessory structures to such preexisting structures, provided that such construction, reconstruction, or alterations within the Flood Hazard or Wetland Districts shall not increase the area of ground coverage in the Flood Hazard or Wetland Districts of the preexisting structures and such accessory structures considered in the aggregate by more than 40% over the area (whether such area was located in or outside of the Wetland or Flood Hazard District) which was covered by the preexisting structures.
- (9) Septic systems lawfully existing within Wetland and Flood Hazard Districts prior to the adoption of this Wetlands Protection Bylaw, including maintenance, reconstruction, enlargement and/or extension thereof. Nothing herein shall prohibit the enlargement and/or extension into a Flood Hazard District of septic systems lawfully existing wholly or partially outside of the Flood Hazard District at the time of the adoption of this Wetlands Protection Bylaw.
- (10) The construction, reconstruction, enlargement or extension of paved play areas, tennis courts, driveways, swimming pools, and the like incidental to a residential structure lawfully existing prior to the adoption of this Wetlands Protection Bylaw.
- (11) The construction, installation and maintenance by a private contractor pursuant to an approved subdivision plan or by public utilities or by the Town of Stoughton of public or municipal utilities, including, without limitation, storm and sanitary sewers, sewer connecting lines (by a contractor approved by the Town of Stoughton except in a subdivision that is under covenant or bond), pumping stations, water and gas lines,

electric transmission lines and telephone lines, provided that subsequent to the completion of such work the preexisting water storage and flowage characteristics of the land are approximately restored.

- (12) The placement of signs, provided such signs do not affect the natural flow pattern of any watercourse.
- (13) Temporary stands for refreshment or for the sale of produce grown on the premises.
- (14) Temporary location of carnivals, fairs, circuses, arts and crafts displays, flea markets, concerts, and similar recreational and educational uses.
- (15) Any of the following uses if a special permit is, in each case, obtained from the Board of Appeals, provided that subsequent to the completion of such work the preexisting water storage and flowage characteristics of the land are approximately restored:
 - (a) Greens and fairways for golf courses.
 - (b) Range area for rifle or archery clubs.
- (16) Bridges, causeways, elevated walkways or access roads ancillary to permitted or permissive uses within or near the underlying zoning districts upon special permit from the Board of Appeals; provided that, subsequent to the completion of such work, the preexisting water storage and flowage characteristics of the land are approximately restored.
- (17) Construction of ponds, retention ponds, dams, and relocation of waterways, provided that a special permit is obtained from the Board of Appeals, which special permit may only be granted upon a clear showing by the applicant that the conditions set forth in § 200-13C of this Wetlands Protection Bylaw and all of the following conditions shall have been satisfied:
 - (a) The instantaneous overflow from such pond, retention pond, waterway, or dam (without the need for adjustment or manual control) during a one-hundred-year storm, measured at the boundary of the applicant's property, will not be greater than the instantaneous outflow as it would have been during such storm at such boundary prior to the construction of such pond, retention pond, waterway, or dam.
 - (b) The area inundated by such pond, retention pond, waterway, or dam, during normal conditions and during a one-hundred-year storm, shall not exceed the limits of the applicant's property or such other limits as the applicant shall have the right by valid instrument to flood. In addition, such normal and one-hundred-year inundation shall not cause other structures, including existing septic systems or other uses, to be brought within 25 feet (or such greater distance as may be required by law) of such

inundated area.

- (c) The course of the run-off from said pond, retention pond, waterway, or dam shall be unaltered downstream of the applicant's property subsequent to the construction of such pond, retention pond, waterway or dam except as affected landowners, downstream, may otherwise agree in writing.
 - (d) The groundwater table in the area surrounding the pond, retention pond, waterway, or dam shall not be altered to the detriment of neighboring landowners, whether or not the lands of such owners abut the property of the applicant.
 - (e) Except as herein otherwise provided the construction, location, capacity, and outflow of the pond, retention pond, waterway, or dam shall not be inconsistent with the overall drainage plan of the Town of Stoughton as it applies to the area in which the applicant's property is located.
 - (f) Under normal and low flow conditions, the instantaneous outflow from the proposed pond, retention pond, waterway or dam measured at the boundary of the applicant's property will be (without the need for adjustment or manual control) approximately equivalent to the instantaneous outflow at such point under similar conditions prior to the construction of such pond, retention pond, waterway or dam; and
 - (g) The pond, retention pond, waterway or dam shall otherwise be constructed in accordance with applicable federal, state or local laws pertaining to the construction, maintenance and operation of man-made dams, ponds, retention ponds or waterways.
- B. In Watershed Districts. The Watershed Districts shall be considered as overlying other zoning districts and may be used to the extent permitted in the underlying zoning district, provided that, except to the extent permitted in Flood Hazard and Wetland Districts, no new buildings or structures shall be erected, constructed, altered, enlarged or moved into or within, and no dumping, paving, filling or earth transfer or relocation shall be permitted in the Watershed Districts (except as permitted Flood Hazard or Wetland Districts) within 25 feet of a flood hazard or wetland area and all uses in such Watershed Districts shall be subject to the applicable conditions of Subsection C of this section and subject to the restrictions on use in the underlying zoning district and all other restrictions in any other applicable Town bylaws and regulations.
- C. Special conditions on otherwise permitted uses in Flood Hazard, Wetland and Watershed Districts. In Flood Hazard, Wetland and Watershed Districts the following special conditions shall also apply:
- (1) All structures approved for construction [except structures approved for construction,

under § 200-11A(9)] within any Watershed District and required by law to be served by sanitary facilities or which are, in fact, to be served by such facilities, shall be connected to the Town's sewerage system, shall be connected to suitable self-contained and closed sanitary systems which do not permit seepage or percolation into the soil, or shall be connected to a Board of Health approved on-lot subsurface septic system that is not within 25 feet (or such greater distance as may be required by law) of a Flood Hazard or Wetland District.

- (2) All drainage in any Flood Hazard, Wetland or Watershed District shall comply with the regulations of the Stoughton Conservation Commission and the Board of Selectmen acting as Sewerage and Drainage Commissioners.
- (3) The portion of any lot within the Flood Hazard or Wetland District may be used to meet or determine the area requirements for the underlying district in which the lot is situated, provided that the portion so utilized does not exceed 25% of the minimum lot area required for the proposed use in the underlying district.
- (4) The entire portion of any lot within a Watershed District may be used to meet or determine the area requirements for the underlying district in which the lot is situated.
- (5) Portions of Flood Hazard Districts and Watershed Districts overlying industrially zoned land may be filled, paved or otherwise altered and may thereafter be used for any purpose permitted in the underlying industrial district, provided that this Subsection C(5) shall not apply to any use allowed under § 200-11A(8), and further provided that all of the following conditions are met:
 - (a) The tract consists of 20 or more contiguous acres, all of which are zoned for industrial uses;
 - (b) The tract is under the ownership or control of the applicant;
 - (c) No more than 20% of the Flood Hazard District within the tract is filled, paved, or otherwise altered and any portion that is so filled, to the extent that it is thereafter above the adjacent flood hazard area, shall not thereafter be considered as part of the Flood Hazard Districts for the purposes of this Wetlands Protection Bylaw; provided that any portion of a tract of land that shall have been used at any time to compute the 20% area of a larger tract within which said portion was contained may not later be used again to compute the 20% area of any other tract to be further filled, paved, or otherwise altered under this Subsection C(5) whether or not such previously considered portion is later included in a lot subdivided from said larger tract even if such subdivided lot otherwise meets the requirements of this Subsection C(5);
 - (d) No building, paving or other construction occurs within 25 feet of the boundary

between the fill permitted hereunder and the adjacent Flood Hazard or Wetland District.

- (e) Ponds, retention ponds, dams and the relocation of waterways, are constructed or effected in accordance with the provisions of § 200-11A(17) of this Wetlands Protection Bylaw to assure that the water table on and the run-off of water from the tract, the retention of water on the tract, and the flood level at each point on the tract and on nearby tracts are substantially the same under one-hundred-year flood, normal and low flow conditions as they were prior to such filling, paving or other alteration and construction.
- (6) In Zones A1-30 and AE, along watercourses that have a regulatory designation on the Stoughton FIRM or Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. [Added 12-1-1997 STM, Art. 11]
- (7) Review all subdivision proposals to assure that: [Added 12-1-1997 STM, Art. 11]
 - (a) Such proposals minimize flood damage;
 - (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- D. Floodway data. In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence the base flood discharge. [Added 12-1-1997 STM, Art. 11]
- E. Base flood elevation data. Base flood elevation is required for subdivision proposals or other developments greater than 50 lots, or five acres, whichever is the lesser, within unnumbered A zones. [Added 12-1-1997 STM, Art. 11]
- F. Reference to existing regulations. [Added 12-1-1997 STM, Art. 11]
 - (1) The Flood Hazard, Wetlands and Watershed Districts are established as overlay districts to all other districts. All development in these districts, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40, and with the following:
 - (a) Section of the Massachusetts State Building Code, which addresses floodplain areas

- (currently 780 CMR 2102.0, "Flood Resistant Construction");
- (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - (c) Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
 - (d) Rivers Protection Act, DEP (MGL c. 131, § 40, and 310 CMR 10.00 as amended);
 - (e) Town of Stoughton Wetlands Protection Bylaw. Regulations of the Stoughton Conservation Commission pertaining to this article;
 - (f) Minimum requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- (2) Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-12. Administration.**

§ 200-12. Administration.

Upon written application by an applicant for a building permit, the Building Inspector shall determine whether the tract identified in the application and shown on an accompanying plot plan lies within the Flood Hazard, Wetlands or Watershed Districts, or, alternatively, is exempt from the provisions of this Wetlands Protection Bylaw.

- A. If the Building Inspector is satisfied that the tract does not lie, in whole or in part, within such districts or is otherwise exempt from the provisions of this Wetlands Protection Bylaw, the provisions of this Wetlands Protection Bylaw shall not thereafter apply to the application.
- B. If the Building Inspector is in doubt as to whether or not the tract lies, in whole or in part, within such districts or is exempt from the provisions of this Wetlands Protection Bylaw, he may request such further information of the applicant as he may reasonably require to make his determination. Subsequent to a determination by the Building Inspector that any portion of the tract identified in the application lies within the Flood Hazard, Wetland or Watershed District or is subject to the provisions of this Wetlands Protection Bylaw, the Building Inspector shall not issue a building permit unless he has determined that:
 - (1) The proposed use of the tract, any part of which is located within a Flood Hazard,

Wetland or Watershed District, is shown by the applicant to comply strictly with the uses and area restrictions permitted or required in such districts under § 200-11A, B and C above; and

- (2) The proposed uses otherwise comply with the provisions of this chapter and with any other local, state or federal laws, regulations or ordinances, the enforcement of which is the responsibility of the Building Inspector.
- C. If the Building Inspector shall determine that no approvals, special permits or variances are required by the applicant under this Wetlands Protection Bylaw, he shall so indicate in writing on the plan and by letter to the applicant, and all other required approvals may thereafter be sought by the applicant, including without limitation any approvals which may be required under State Wetland Protection Laws, without regard to this Wetland Protection Bylaw.
 - D. In all other instances relative to this Wetlands Protection Bylaw, the Building Inspector shall promptly notify the applicant by certified mail, return receipt requested, that this article prohibits the contemplated use, and shall advise the applicant of his right to appeal the Building Inspector's decision to the Zoning Board of Appeals.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-13. Zoning Board of
Appeals.**

§ 200-13. Zoning Board of Appeals.

- A. Appeals and applications for special permits generally. An appeal may be taken to the Zoning Board of Appeals by any applicant aggrieved by a decision of the Building Inspector and a special permit may be sought under this Wetlands Protection Bylaw, which appeal and/or application for special permit shall be instituted and prosecuted before such Board in accordance with the requirements of law and with applicable rules and regulations of such Board. Upon receipt of notice of appeal and/or applications for special permit the Board of Appeals shall order a public hearing as to which there shall have been no less than 14 nor more than 30 days' prior notice in a newspaper in general circulation in the Town of Stoughton (or such other notice and posting as shall be required by law), and, after such hearing, the Board of Appeals may grant the relief hereafter set forth in this § 200-13 and such other relief as it may have the authority to grant under applicable law. Appeals and applications for special permits may be prosecuted simultaneously, provided that the required notice shall have been satisfied, and if such requirements are conflicting, the most severe

requirement shall have been satisfied.

- B. Appeals claiming improper designation. An aggrieved applicant may appeal to the Board of Appeals from a decision of the Building Inspector that all or any portion of the applicant's land is subject to this Wetlands Protection Bylaw, notwithstanding the classification of all or any portion of such land on the Wetland Map as being within a Wetland, Flood Hazard or Watershed District. In addition, if, and to the extent permitted by law, any person who owns or controls any land within a Wetland, Flood Hazard or Watershed District may appeal such designation to the Zoning Board of Appeals under this § 200-12B, without having first to go to the Building Inspector for a building permit or to any other board or Town officer seeking permission for a special use. After a hearing as required herein, the Board of Appeals may grant permission for any uses on that portion of the applicant's land shown by the applicant not to be in a wetland, flood hazard, or watershed area; provided that such uses shall be consistent with this Wetlands Protection Bylaw to the extent that all or any portion of such land continues to be classified as a Wetland, Flood Hazard or Watershed District, and provided further that the applicant shall have demonstrated that all of the following four conditions have been satisfied:
- (1) The request shall have been referred by the applicant, along with a copy of the site plan, to the Board of Selectmen, the Planning Board, the Board of Health, the Conservation Commission, and the Landscape Review Board and shall have been reported upon by all five boards or 30 days shall have elapsed following such referral without receipt by the Board of Appeals of such reports; and
 - (2) The land or the designated portion thereof shall have been shown by the applicant not to be a wetland, flood hazard or watershed area (notwithstanding the fact that the land or the designated portion thereof is shown on the Wetland Map to lie within a Wetland, Flood Hazard, or Watershed District) in whole or in sufficient part to permit the contemplated use. Such showing by the applicant shall be on the basis of engineering, hydrological and topographical conditions determined by reference to the engineering presumption set forth in this Wetlands Protection Bylaw, and should include an analysis of the vegetation on the land in accordance with the definitions in Chapter 818 of the Acts of 1974;^{EN(19)} and
 - (3) The proposed use, if any, will not be detrimental to the public health, safety, or welfare nor will it be inconsistent with the purposes of this Wetlands Protection Bylaw; and
 - (4) The proposed use, if any, will comply in all respects with all applicable zoning and other provisions within the jurisdiction of the Board of Appeals which govern uses in the underlying zoning district or districts, and shall comply with applicable provisions herein pertaining to uses in Flood Hazard, Wetland, and Watershed Districts to the extent that all or any portion of such land continues to be classified as a Wetland, Flood

Hazard, or Watershed District.

- C. Application for special permits. An applicant may apply to the Board of Appeals for a special permit for any use which is permitted in this Wetlands Protection Bylaw only by special permit, which application shall be instituted and prosecuted before such Board in accordance with the requirements of law and applicable rules and regulations of such Board. Except as otherwise required by law or by the rules of the Board of Appeals, the requirements of notice and hearing set forth in Subsection A of this § 200-13 shall apply in such proceedings. Applicants for special permits hereunder shall submit to the Board of Appeals all of the data, drawings, site plans, maps, calculations and information set forth in § 200-14 of this Wetlands Protection Bylaw and shall be entitled to a special permit, subject to such conditions as the Board of Appeals shall deem appropriate and may lawfully impose, upon demonstration:
- (1) That the three conditions occurring as Subsection B(1), (3) and (4) of this § 200-13 shall have been satisfied; and
 - (2) That through the use of the engineering techniques set forth in Subsection B(2) of this § 200-13 the construction or institution of the proposed use will not result in increased seepage or increased or decreased run-off into adjacent flood hazard or wetland areas or in contamination of existing or proposed waterways or in an alteration of the water table in the applicant's land or in neighboring or nearby tracts of land.
 - (3) That the proposed use fulfills the conditions set forth in Article XI, § 200-64A(4) and (6), of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-14. Required
submittals for appeals and special permits.**

§ 200-14. Required submittals for appeals and special permits.

An applicant for a special permit or a person appealing from an improper designation of his land shall submit to the Board of Appeals at the time of such appeal or application for special permit, all of the data, drawings, site plans, maps, calculations and information hereafter set forth as well as such other relevant information as the Board of Appeals may reasonably require of the applicant along with such additional material as the applicant may desire to present to such Board:

- A. Location plan. A location plan at a scale of one inch equals 600 feet showing the area to be developed, lot lines within which the development is proposed, and tie-in to the nearest road

intersection.

- B. Site plan. A site plan at a scale of one inch equals 40 feet prepared by a registered land surveyor and a registered professional engineer. Eight copies (or such other number as the Town Clerk may require) of the site plan shall be submitted to the Town Clerk, who will distribute a copy to the Building Department, the Engineering Department, the Board of Selectmen, the Zoning Board of Appeals, the Planning Board, the Board of Health, the Landscape Review Board, and the Conservation Commission, and such plan shall show at least the following; except that, in the case of an applicant who is appealing from an alleged improper designation of his land without first having applied for a building permit (if such appeal is permitted by law), the site plan required hereunder need not include information with respect to the proposed location, size and configuration of improvements, alterations or proposed activities on the land nor need it include any other information otherwise required hereinunder which pertains only to a specifically proposed use.
- (1) The location, boundaries and dimensions of each lot in question.
 - (2) Present and proposed contours of the entire site and affected adjacent areas. Generally two-foot contours will be satisfactory. In comparatively level terrain where contours are more than 100 feet apart, the contours shall be supplemented with spot elevations. Such spot elevations shall be spaced no greater than 100 feet apart in each direction to form a rectangular grid. Wherever interpolation of the contours will not show correct elevations such as summits, depressions, ditches, swales, saddles and road intersections, spot elevations shall be shown. Elevations shall refer to the USGS base and the bench mark used shall be noted.
 - (3) All brooks, creeks, streams, ponds, lakes and wetlands (or any bank, flat, marsh, meadow or swamp bordering such area), whether continuous or intermittent, natural or man-made, should be delineated, if they affect the site or will be affected by the proposed changes in the site.
 - (4) Present and proposed location of waterways or other alterations.
 - (5) Present and proposed location, elevation, size, and invert of all sewers, drains, ditches, culverts, and other drainage or wastewater conductors immediately upstream and downstream of the site.
 - (6) Location, extent and area of all present and proposed structures and paved areas.
 - (7) Locations and elevation of the basement floor, sub-basement floor, and first floor and elevation of the top of the foundation walls of all present and proposed structures.
 - (8) Location of any existing and proposed underground utilities, rights-of-way or

easements.

- (9) The location and type of existing and proposed sanitary sewerage facilities.
- (10) An estimate of the maximum groundwater elevation usually occurring between the months of December through April based upon at least one sample, including calendar dates of such samples.
- (11) Location of areas where earth is proposed to be removed, dredged, filled, temporarily stored, or otherwise altered in any way along with volumes of material so altered in each area and areas to be left untouched.
- (12) Erosion and sedimentation prevention plans for both during and after construction.
- (13) Soil characteristics in representative portions of the site, including depth of peat and muck in wetlands. Sampling sites shall be specified.
- (14) Cross sections showing slope, bank and bottom treatment of each watercourse to be altered. Locations of cross sections shall be specified.
- (15) Location of proposed water retention areas.
- (16) All calculations necessary to show the effect of the proposed activity on drainage, soil, and water.
- (17) A general description of the vegetation on the land.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-15. Conservation
Commission.**

§ 200-15. Conservation Commission.

Nothing herein shall limit the authority obligations and duties of the Stoughton Conservation Commission or any successor thereto under the provisions of MGL c. 131, § 40, including any amendments or successor statutes thereto.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-16. Applicability.**

§ 200-16. Applicability.

The provisions of this article are not intended to repeal, amend, abrogate, annul, or interfere with any lawfully adopted bylaws, covenants, regulations or rules of the Town of Stoughton. Where this article imposes greater restrictions, however, the provisions of this article shall govern to the extent permitted by law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IV, Flood Hazard, Wetlands and Watershed Districts / § 200-17. Severability.
[Amended 4-24-1978 TM, Art. 2]**

§ 200-17. Severability. [Amended 4-24-1978 TM, Art. 2]

Each sentence and any portion thereof of each article paragraph and subparagraph of this Wetland Protection Bylaw shall be severable, and if any such sentence or portion thereof shall be determined by a court of competent jurisdiction (subsequent to all available appeals or the time for such appeals having passed) to be unconstitutional or otherwise unlawful, such sentence or portion thereof shall be stricken from this Wetlands Protection Bylaw and thereafter disregarded but the remainder of this Wetlands Protection Bylaw shall not thereby be affected.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
V, Interpretation and Application**

ARTICLE V, Interpretation and Application

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
V, Interpretation and Application / § 200-18. Interpretation.**

§ 200-18. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Stoughton, Massachusetts; and except for the Zoning Bylaw of the Town of Stoughton dated 1964 and all

amendments thereto, the provisions of this chapter are not intended to repeal, or in any way impair or interfere with any lawfully adopted bylaw, regulations, or rules. Whenever the regulations made under the authority, hereof, differ from those prescribed by any bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
V, Interpretation and Application / § 200-19. Applicability.**

§ 200-19. Applicability.

Except as herein provided, or as specifically exempted by the Zoning Act,^{EN(20)} the provisions of this chapter shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing conforming use, structure or lot shall not become further nonconforming.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VI, Use Regulations**

ARTICLE VI, Use Regulations

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VI, Use Regulations / § 200-20. Applicability of use regulations.**

§ 200-20. Applicability of use regulations.

Except as provided in the Zoning Act^{EN(21)} or in this chapter, no building, structure, or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VI, Use Regulations / § 200-21. Permitted uses; key to table.**

§ 200-21. Permitted uses; key to table.

In the following Table of Use Regulations,^{EN(22)} the uses permitted by right in the district shall be designated by the letter (P). These uses that may be permitted as an exception by special permit in the district, in accordance with § 200-64, shall be designated by the letter (S). Uses designated (-) shall not be permitted in the district.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VI, Use Regulations / § 200-22. Uses subject to other regulations.**

§ 200-22. Uses subject to other regulations.

Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VI, Use Regulations / § 200-23. Table of Use Regulations.**

§ 200-23. Table of Use Regulations.

See table of accompanying pages which is declared to be part of this chapter.^{EN(23)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations**

ARTICLE VII, Dimensional and Density Regulations

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-24. Applicability of dimensional
and density regulations.**

§ 200-24. Applicability of dimensional and density regulations.

The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum building area, minimum open space shall be specified in this article and set forth in the Table of Dimensional and Density Regulations,^{EN(24)} and subject to the further provisions of this article.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-25. Table of Dimensional and
Density Regulations.**

§ 200-25. Table of Dimensional and Density Regulations.

See table on accompanying pages plus attached notes, which is declared to be a part of this chapter.^{EN(25)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-26. Reduction of lot areas.**

§ 200-26. Reduction of lot areas.

The lot, yard areas or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this chapter, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this chapter, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-27. Separation of lots.**

§ 200-27. Separation of lots.

Lots shall not be so separated or transferred in ownership so as not to comply with the provisions

of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-28. Buildings in floodways.**

§ 200-28. Buildings in floodways.

A building shall not be erected in a floodway or any area subject to periodic flooding, except if the first floor elevation is higher than the highest flood recorded, unless such flood elevation shall have been reduced by construction of dams at headwaters, or by other means.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VII, Dimensional and Density Regulations / § 200-29. Accessory buildings and
structures in R and B Districts.**

§ 200-29. Accessory buildings and structures in R and B Districts.

In R and B Districts, a detached accessory building or structure shall conform to the following provisions: it shall not occupy more than 25% of the required rear yard; it shall be set back from the street line the required front yard distance for the zone in which it is located; it shall not be less than five feet from any other lot line or 10 feet from any principal building or structure; and it shall not exceed 20 feet in height. An accessory building or structure attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side and rear yard requirements applicable to the principal building or structure.

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VII, Dimensional and Density Regulations / § 200-30. General dimensional and
density provisions.**

§ 200-30. General dimensional and density provisions.

In addition to the regulations in §§ 200-24 through 200-29 above, the following regulations shall apply:

- A. Provisions for inner and outer courts shall be subject to the Building Code.
- B. Existing and residential uses shall be subject to the regulations for the particular type of

dwelling as defined in the R-M District for use in the GB, NB, and HB Districts.

- C. Except for planned developments for multifamily development, cluster residential development, planned unit residential development, planned business or industrial development, community facilities, and public utilities, only one principal structure shall be permitted on a lot. In the case of planned multifamily developments, other than planned unit development, the minimum distance between the walls of such principal buildings, which contain windows, shall be twice the minimum side yard or side setback required in the district. The minimum lot area required per each individual dwelling unit, building, or other unit of use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract as a whole.
- D. For multifamily units of two or more bedrooms, where the total number of dwelling units to be developed at one time or in any successive stages exceeds 12 dwelling units, there shall be constructed and equipped an outdoor recreation area with a minimum size of 500 square feet per unit for each two-bedroom and 1,000 square feet per bedroom for each unit of three or more bedrooms. Specifically exempt from this requirement are one-bedroom units and housing for the elderly.
- E. A corner lot shall have minimum street yards with depths, which shall be the same as the required front yard depths for the adjoining lots.
- F. At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the district in which each street frontage is located.
- G. Projections into required yards or other required open spaces are permitted subject to the following:
 - (1) Balcony or bay window, limited in total length to one half the length of the building, not more than two feet.
 - (2) Open terrace or steps or stoop, under four feet in height, up to one half the required yard setback.
 - (3) Steps or stoop over four feet in height, window sill, chimney, roof eave, fire escape, fire tower, storm enclosure, or similar architectural features, not more than two feet.
- H. The provisions of this chapter governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above roof, nor to domes, towers, stacks, or spires, if not used for human occupancy and which occupy not more than 20% of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennas, and other like structures, which do not occupy more than 20% of the lot area; nor to churches or public agricultural or institutional

buildings or buildings of private schools not conducted for profit that are primarily used for school purposes, provided that excepted appurtenances are not located within the flight paths of an airport as defined by FAA regulations.

- I. The gross floor area per dwelling unit in a two-family dwelling unit shall not be less than 768 square feet. The gross floor area in a multifamily dwelling shall not be less than 450 square feet for one-bedroom dwelling units, 600 square feet for two-bedroom units and 768 square feet for three-bedroom or larger units. [Amended 4-24-1978 TM, Art. 63]
- J. Where an I or B District abuts an R District, no building within the I or B District shall be within 25 feet of the boundary line of the R District.
 - (1) Within the twenty-five-foot setback there shall be a green belt no less than 15 feet in width running the distance where the I or B District abuts the R District and consisting of six-foot evergreens staggered 10 feet on center. [Added 6-23-1975 TM, Art. 20]
- K. Where a lot in a Residential-Multifamily (R-M) District and/or multifamily dwelling units abuts or is within 100 feet of the boundary line of any single residence district and/or single family dwellings a buffer strip shall be provided on all portions of said lot so abutting (within 100 feet as above said); such buffer strip to be at least 100 feet wide, including the width of any Town-owned land or public street. The buffer strip on said lot shall include a dense screen of vegetation no less than eight feet high and no closer than 15 feet from any intersection, and/or driveway-road intersection, and may be used only for access to the lot, except that the Board of Appeals, with due consideration to the effect on abutting lots, may, in exceptional case, permit up to 50 feet of the buffer strip most distant from the boundary line to be used for off-street parking subject to such additional screening conditions and requirements as the Board may determine are required. Nothing in this Subsection K shall be deemed to modify setback and yard requirements as otherwise provided in this chapter. [Added 6-23-1975 TM, Art. 5]
- L. No building in a B or I District shall be constructed within 25 feet of the lot line of any residential home. [Added 4-26-1976 TM, Art. 42]
- M. Adult entertainment establishments are to be limited to lots no greater than 150% of the minimum lot size allowed within the CBD Zone. [Added 4-25-1983 STM, Art. 37]
- N. In an HB District, two or more contiguous lots shall be considered one lot for the purpose of calculating minimum open space under the Table of Dimensional and Density Regulations.^{EN(26)} [Added 5-5-1997 STM, Art. 10; amended 5-1-2000 ATM, Art. 11]
 - (1) No dwelling, building or structure having a permitted use in this district shall hereafter be erected or placed, on any lot unless the lot is substantially regular in shape.
"Substantially regular in shape" shall mean that a lot has a Shape Factor (SF) of 30.0 or

less. Shape Factor shall be determined by dividing the square of the perimeter of the lot measured in linear feet, by the area of the lot measured in square feet: $SF=(p \times p)/A$.

- (2) A lot may have a Shape Factor exceeding 30.0 if a portion of the lot itself meets the minimum lot area requirement and has a Shape Factor of 30.0 or less and which portion includes minimum street frontage.
- (3) Lot width. Every lot created shall be configured so that it can contain a rectangle abutting the street line; said rectangle having a width equal to the required frontage, and having depth equal to the minimum required lot depth.
- (4) Lot width and frontage. Each lot shall have frontage on a street or way of the required minimum lot width, with its primary means of access onto said street or way. The principal means of access for residential lots shall be through said frontage.
- (5) The requirements of Subsections N(1) and (2) are hereby declared to be area and width requirements within the meaning of MGL c. 40A, § 6 (fourth paragraph, first sentence). [Added 5-5-1997 TM, Art. 42]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VIII, Signs**

ARTICLE VIII, Signs

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VIII, Signs / § 200-31. General.**

§ 200-31. General.

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Town of Stoughton and other applicable Town regulations, except as shall be under the jurisdiction of the State Billboard Act (Chapter 584, Section 4 of the Acts of 1955 and as amended^{EN(27)}). Signs shall be permitted in accordance with the following regulations.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE**

VIII, Signs / § 200-32. Signs permitted in R Districts.

§ 200-32. Signs permitted in R Districts.

- A. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.
- B. One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
- C. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed 10 square feet in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall be set back at least one half of the required depth of the front yard.
- D. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided: it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line.
- E. One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided: it shall not exceed four square feet in surface area; and it shall be set back at least 10 feet from the street lot line.
- F. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 20 square feet in surface area; and it shall be set back at least 10 feet from any street lot line.

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VIII, Signs / § 200-33. Signs permitted in B Districts.**

§ 200-33. Signs permitted in B Districts.

- A. Signs permitted in § 200-32 above, subject to the same regulations.
- B. Signs limited to those which advertise goods, services, or produce manufactured or offered for sale on the premises. General advertising signs shall be prohibited.
- C. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than 15

inches therefrom; the surface area of the sign shall not aggregate more than 10% of the area of the wall on which it is displayed, or 150 square feet whichever is the lesser; and if lighted, it shall be illuminated internally or by indirect method with white light only.

- D. One projecting sign for each lot street frontage of each establishment, provided: it shall be attached to the main wall of a building; it shall not project horizontally beyond a line drawn perpendicularly upward from two feet inside the curblineline; it shall be erected at a height not less than nine feet, nor more than 30 feet above the ground or sidewalk; it shall not exceed 40 square feet in surface area; and if lighted, it shall be illuminated internally or by indirect method with white light only.
- E. One pole sign for each street frontage of a drive-in establishment, provided: it shall not exceed 40 square feet in surface area; no portion of it shall be set back less than 10 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.
- F. One ground sign for each business establishment, provided: it shall not exceed 40 square feet in surface area; it shall be set back at least 10 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet in height above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VIII, Signs / § 200-34. Signs permitted in I District.**

§ 200-34. Signs permitted in I District.

- A. Wall signs permitted in § 200-33 above subject to the same regulations.
- B. One ground sign for each establishment, provided: it shall not exceed 150 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.
- C. Signs shall be limited in use to identification signs and to those signs which advertise goods, services, or products manufactured or offered for sale on the premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VIII, Signs / § 200-35. Additional sign regulations.**

§ 200-35. Additional sign regulations.

- A. Roof signs shall be permitted in any B or I District. However, the top of the roof sign shall not be at such a height so that the building on which it is located shall exceed the maximum building height requirement set forth in the Table of Dimensional and Density Regulations^{EN(28)} as measured from the ground to the top of the roof sign.
- B. Any traffic or directional sign owned and installed by a governmental agency shall be permitted.
- C. Specifically excluded from these regulations are temporary interior window displays or temporary banners for drive-in establishments or automotive establishments, except as provided in Subsection D below.
- D. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Therefore, flashing or animated signs of red, yellow or green colored lights shall not be permitted.
- E. No more than two signs shall be allowed for any one business or industrial establishment in the B or I District.
- F. No more than one sign shall be allowed for any one premises in the R District.
- G. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
VIII, Signs / § 200-36. Signs permitted in HB District. [Added 5-5-1997 STM, Art.
11]**

§ 200-36. Signs permitted in HB District. [Added 5-5-1997 STM, Art. 11]

- A. Signs otherwise permitted under §§ 200-32, 200-33, 200-34 and 200-35, above, subject to the same regulations.
- B. One wall sign for up to two walls of each establishment (if an establishment has more than one wall), provided: each such sign shall be attached and parallel to a wall of the building;

each such sign shall not project horizontally more than 15 inches therefrom; the surface area of each such sign shall not exceed the lesser of (a) 10% of the area of the wall on which it is displayed, or (b) 350 square feet; and if lighted, it shall be illuminated internally or, if externally illuminated with white light only.

- C. One pole sign for each street frontage of a principal building, provided: it shall not exceed 120 square feet in surface area; no portion of it shall be set back less than 10 feet from any street lot line; and the setback distance from the pole sign to each lot line shall be equal to or greater than one half the height of the pole sign; it shall be erected so that no portion of it is over 80 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IX, Off-Street Parking and Loading Regulations**

ARTICLE IX, Off-Street Parking and Loading Regulations

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IX, Off-Street Parking and Loading Regulations / § 200-37. Off-street parking and
loading requirements.**

§ 200-37. Off-street parking and loading requirements.

In any district, if any structure is constructed, enlarged, or extended, and any use of land established, or any existing use is changed, after the effective date of this chapter, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this chapter shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use, unless the increase in units or measurements amounts to less than 25% whether such increase occurs at one time or in successive stages.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IX, Off-Street Parking and Loading Regulations / § 200-38. Existing spaces.**

§ 200-38. Existing spaces.

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this chapter shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this article, provided this regulation shall not require the maintenance of more parking or loading spaces than are required according to the tables.

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IX, Off-Street Parking and Loading Regulations / § 200-39. Computation of
spaces. [Amended 5-5-1997 STM, Art. 12]**

§ 200-39. Computation of spaces. [Amended 5-5-1997 STM, Art. 12]

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half shall require one space. In a Highway Business (HB) District, compact parking spaces shall be allowed in the computation of required off-street parking spaces, provided that not more than 30% of the total parking spaces utilized in computing required off-street parking spaces shall be compact parking spaces.

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IX, Off-Street Parking and Loading Regulations / § 200-40. Combined facilities.**

§ 200-40. 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 Zoning Inspector, where it is evident that such facilities will continue to be available for the several buildings or uses.

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IX, Off-Street Parking and Loading Regulations / § 200-41. Location of parking
spaces. [Amended 5-5-1997 STM, Art. 13]**

§ 200-41. Location of parking spaces. [Amended 5-5-1997 STM, Art. 13]

Except in a Highway Business (HB) District, required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties as determined by the Board prevent their establishment upon the same lot, they shall be established no further than 200 feet from the premises to which they are appurtenant. In a Highway Business (HB) District, required off-street parking spaces may be provided on a contiguous lot(s) to the lot on which the principal use is located; provided that if a contiguous lot(s) is/are so utilized to provide off-street parking spaces to serve a principal use located on another lot in a Highway Business (HB) District, the lot on which such parking spaces are located shall be no further (at the closest point) than 250 feet from the lot on which the principal use is located.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
IX, Off-Street Parking and Loading Regulations / § 200-42. Table of Off-Street
Parking Regulations.**

§ 200-42. Table of Off-Street Parking Regulations.

Use	Number of Parking Spaces per Unit
1. Single- and two-family dwellings	Three for each dwelling unit [Amended 6-23-1975 TM, Art. 21]
2. Multifamily dwelling	Two for each single-bedroom unit; three for each two-bedroom unit; four for each three-or-more bedroom unit [Amended 6-23-1975 TM, Art. 21]
3. Lodging house	One for each lodging unit
4. Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities	One for each three seats of total seating capacity [Amended 6-23-1975 TM, Art. 21]

NOTE: Off-street parking spaces shall not be required of these uses within the Central Business District (CBD) Zone. [Added 4-24-1978 TM, Art. 53]

Use	Number of Parking Spaces per Unit
5. New and used car sales and automotive service establishment and other retail and service establishment utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic	One per 1,000 square feet of gross floor space; in the case of outdoor display areas, one for each 1,000 square feet of lot area in such use
6. Other retail, service, finance, insurance, or real estate establishment	One per each 300 square feet of gross floor space
 NOTE: Off-street parking spaces shall not be required of these uses within the Central Business District (CBD) Zone. [Added 4-24-1978 TM, Art. 53]	
7. Hotel, motel, tourist court	One for each sleeping room plus one for each four seats of total seating capacity of the combined public meeting room and restaurant space [Amended 6-23-1975 TM, Art. 21]
8. Wholesale establishment, warehouse or storage establishment	One per each 1,000 square feet of gross floor space
9. Manufacturing or industrial establishment	One per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger
10. Hospital	Two per bed at design capacity
11. Nursing home	One per bed at design capacity
12. Business, trade or industrial school or college	One for each 200 square feet of gross floor area in classrooms

Use	Number of Parking Spaces per Unit
13. Other school	Two per classroom in an elementary and junior high school; four per classroom in a senior high school plus space for auditorium or gymnasium, whichever has the larger capacity
14. Community facility, Town building, recreation, etc.	One per each 400 square feet gross floor space
15. Dormitory, fraternity, sorority, YMCA or similar use	One for each sleeping room
16. Public utility	One for each 400 square feet of gross floor area devoted to office use; one for each 800 square feet of gross floor area per other use
17. Transportation terminal establishment	One for each 600 square feet of gross floor area
18. Mixed use	Sum of various uses computed separately
19. Any use permitted by this chapter not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Zoning Inspector
20. Retail trade, manufacturing and hospital establishments with over 5,000 square feet of gross floor area	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet. Space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
21. Business services, other services, community facility (school, church, Town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet

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IX, Off-Street Parking and Loading Regulations / § 200-43. Location of loading
spaces.**

§ 200-43. Location of loading spaces.

The loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this chapter.

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IX, Off-Street Parking and Loading Regulations / § 200-44. Parking and loading
space standards.**

§ 200-44. Parking and loading space standards.

All parking and loading areas containing over five 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 on each side, which adjoins or faces the side or rear lot line of a lot situated in any R District.
- 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.
- C. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb, which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.
- D. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- E. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.

- F. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
- G. Parking spaces shall not be located within the required front yard area in any district except in a single-family residential district.
- H. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
- I. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curblines of an intersecting street.
- J. Any two driveways leading to or from a street to or from a single lot shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
- K. Any entrance or exit driveway in a single-family district shall not exceed 24 feet in width at the property line. Entrance or exit driveways in I or B Districts shall not exceed 24 feet in width at the property line, except that lots containing in excess of 24,000 square feet may increase the drive width one foot for every 1,000 square feet in excess of 24,000 square feet or lot area up to a maximum of 40 feet in width. Curb cuts may be 10 feet wider than the allowed driveway width at the street line. [Added 4-25-1983 STM, Art. 39]
- L. An open air parking space shall be at least five feet from any building or street line.
- M. All off-street parking and loading spaces, accessways and maneuvering area shall be laid out so as to provide for adequate drainage, snow removal, maneuverability and curb cuts.
- N. There shall be no paving within the required front yard area, or within five feet of any lot line or building line, except that paved accessways shall be permitted, and that such accessways shall be generally perpendicular to any lot line. Paving to any building line shall be permitted for off-street loading docks or doors. Paved walkways, five feet or less in width shall be permitted in the required front yard. [Amended 4-30-1979 TM, Art. 26; 4-25-1983 STM, Art. 39]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots**

ARTICLE X, Nonconforming Uses, Structures and Lots

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-45. Nonconformity by initial
enactment or amendment.**

§ 200-45. Nonconformity by initial enactment or amendment.

The provisions of this article apply to nonconforming uses, structures and lots as created by the initial enactment of this chapter or by any subsequent amendment.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-46. Extension and alteration
of uses or structures.**

§ 200-46. Extension and alteration of uses or structures.

- A. Any nonconforming use except primarily 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 that a nonconforming principal or accessory use may be extended within the limits of ownership existing as of the date of adoption of this chapter and shall be in accordance with the dimensional and density regulations of Article VII.
- B. Any nonconforming principal or accessory use of a structure shall not be extended, except that a nonconforming principal or accessory use may be extended within the limits of ownership existing as of the date of adoption of this chapter and shall be in accordance with the density and dimensional regulations of Article VII.
- C. Any nonconforming structure may be extended and may be altered and the use extended throughout the altered portion, provided that any resultant extension or alteration shall not cause the structure to violate the dimensional and density regulations of the district in which it is located.
- D. Any conforming structure or portion thereof which has come into conformity shall not again become nonconforming.

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X, Nonconforming Uses, Structures and Lots / § 200-47. Residential lots of**

record.

§ 200-47. Residential lots of record.

Any lot lawfully laid out by plan or deed duly recorded or any lot shown on a plan endorsed by the Planning Board with the words "approval under the Subdivision Control Law not required" or words of similar import, which complies at the time of recording or such endorsement whichever is earlier with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaws then in effect may be built upon for residential use, provided it has a minimum area of 5,000 square feet with a front footage minimum of 50 feet and is otherwise in accordance with the provisions of Section 5A of the Zoning Act (now MGL c. 40A, § 6).

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-48. Reduction or increase in
lot, open space or off-street parking or loading.**

§ 200-48. Reduction or increase in lot, open space or off-street parking or loading.

- A. Any nonconforming lot or open space on the lot (yards, setbacks, courts, or building area) 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 nonconformity.
- B. Any off-street parking or loading spaces, if already equal to or less than the number of required to serve their intended use, shall not be further reduced in number.

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X, Nonconforming Uses, Structures and Lots / § 200-49. Change in use.**

§ 200-49. Change in use.

- A. Any nonconforming use of a structure may be changed to another nonconforming use, provided: the changed use is not a substantially different use, except as provided in Subsection C; and approval for the change is granted by a special use permit for an exception by the Board of Appeals. For purposes of this section, 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 nonconforming use or from any permitted use in the district under question.

- B. Any nonconforming use which has been once changed to a permitted use or another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.
- C. Any nonconforming lot, which has come into conformity, shall not again be changed to a nonconforming lot.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-50. Restoration.**

§ 200-50. Restoration.

Any nonconforming structure, totally destroyed by fire or other cause, may be rebuilt, if in accordance with the use, yard, height, and bulk regulations of this chapter.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-51. Abandonment.**

§ 200-51. Abandonment.

Any nonconforming use of a structure or lot which has been abandoned or not used for a continuous period of one year or more shall not be used again except for a conforming use. For agricultural, horticultural, or floricultural uses, the abandonment period shall be for a five-year period of nonuse.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-52. Moving.**

§ 200-52. Moving.

Any nonconforming 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.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
X, Nonconforming Uses, Structures and Lots / § 200-53. Unsafe structures.**

§ 200-53. Unsafe structures.

Any structure determined to be unsafe may be restored to a safe condition. Such work on any nonconforming structure shall not place it in greater nonconformity. If the cost to restore any structure shall exceed 50% of its physical replacement value, it shall be reconstructed only as a conforming structure and used only for a conforming use.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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XI, Administration and Enforcement**

ARTICLE XI, Administration and Enforcement

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-54. Administrative official.**

§ 200-54. Administrative official.

It shall be the duty of the Zoning Inspector to administer and enforce the provisions of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-55. Permit required.**

§ 200-55. Permit required.

It shall be unlawful for any person to erect, construct, reconstruct or alter a structure without applying for and receiving from the Building Inspector a building permit. It shall be unlawful for any person to change the use or lot coverage, or extend or displace the use of any building, structure, or lot without applying for and receiving from the Building Inspector a use permit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-56. Previously approved permit.**

§ 200-56. Previously approved permit.

The status of previously approved permits shall be as determined by Section 6 of the Zoning Act.^{EN(29)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-57. Certificate of occupancy
required.**

§ 200-57. Certificate of occupancy required.

It shall be unlawful to occupy any structure or lot for which a building or use permit is required herein without the owner applying for and receiving from the Zoning Inspector a certificate of occupancy. The Zoning Inspector shall take action within 10 days of receipt of an application for a certificate of occupancy. Failure of the Zoning Inspector to act within 10 days shall be considered approval.

- A. The certificate of occupancy shall state that the building and use comply with the provisions of this chapter and of the Building Code of the Town of Stoughton in effect at the time of issuance. No such certificate shall be issued unless the building and its use and its accessory uses and the uses of all premises are in conformance with the provisions of this chapter and of the Building Code at the time of issuance. A certificate of occupancy shall be conditional on prior approval of the Board of Health where applicable, on the adequacy of parking space and other facilities as required by this chapter and shall lapse if such areas and facilities are used for other purposes.
- B. A certificate of occupancy shall be required for any of the following in conformity with the Building Code and this chapter:
 - (1) Occupancy and use of a building hereafter erected or structurally altered.
 - (2) Change in use of an existing building or the use of land to a use of a different classification.
 - (3) Any change in use of a nonconforming structure or use.
- C. Certificates of occupancy shall be applied for coincidentally with the application for a building permit, and shall be issued within 10 days after the lawful erection or alteration of the building is complete and after the Zoning Inspector has received a plan(s) for the erection or alteration as it was actually constructed, commonly referred to as "as-built plans." Such

certificates of occupancy shall be posted by the owner of the property in a conspicuous place for a period of not less than 10 days after issuance. A temporary certificate of occupancy may be issued where a bond or similar means is used to secure the construction for a designated period of time.

- D. Prior to the issuance of a certificate of occupancy for a building or structure under this section, the Zoning Inspector and/or the Building Official must be satisfied that the roadway system abutting and/or providing access to a lot which the building or structure is located has been finished with at least one course of bituminous concrete surfacing or other required bituminous road surfacing material. If a street or way is not under the jurisdiction of the Planning Board by an approval under the Subdivision Control Law,^{EN(30)} such street or way shall be subject to the submission of a certified check or similar security payable to the Town of Stoughton in a sufficient amount to cover the required surfacing, subject to approval of the Town Manager, prior to the time a building permit is issued.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-58. Permit and certificate fees.**

§ 200-58. Permit and certificate fees.

Fees shall be as established by the Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-59. Permit time limits.**

§ 200-59. Permit time limits.

Any work for which a permit has been issued by the Zoning Inspector shall be actively prosecuted within six months and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended at the discretion of the Zoning Inspector.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-60. Violations.**

§ 200-60. Violations.

The Zoning Inspector shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, increase in intensity of use, or extension or displacement of use of any structure or lot in violation of any approved plan, information or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this chapter; and such order shall direct the immediate discontinuance of the unlawful action, use or condition and abatement of the violation. Any owner who has been served with a notice and ceases any work or other activity shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals, or general welfare.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-61. Prosecution of violation;
penalties.**

§ 200-61. Prosecution of violation; penalties.

- A. If the notice of violation and order is not complied with promptly, the Zoning Inspector or the Selectmen shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed \$300 for each offense. Each day or portion of a day that any violation is allowed to continue shall constitute a separate offense. [Added 6-4-1985 STM, Art. 5]
- B. In addition, this chapter may, in the discretion of the Town official who is the designated enforcing person, be enforced by way of the method provided in MGL c. 40, § 21D. "Enforcing person" as used in this section shall mean the Building Inspector and any police officer in the Town of Stoughton. Fines shall be as follows: [Added 4-24-1989 ATM, Art. 43]

First offense, within preceding twelve-month period	\$50
Second offense, within preceding twelve-month period	\$100
Third offense and each subsequent offense within preceding twelve-month period	\$300

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-62. Board of Appeals.**

§ 200-62. Board of Appeals.

- A. Membership. There shall be a Board of Appeals of five members and five associate members.
- B. Appointment. Members of the Board in office at the effective date of this chapter shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.^{EN(31)}
- C. Powers. The Board shall have those powers granted under the Zoning Act.
- D. Adoption of rules. The Board shall adopt rules to govern its proceedings pursuant to the Zoning Act.
- E. Appeals. Appeals to the Board shall be taken in accordance with the rules of the Board and Section 16 of the Zoning Act.^{EN(32)} The Town hereby accepts Section 16 of the Zoning Act, which states that no appeal or petition from the terms of this chapter with respect to a particular parcel of land or the building thereon and no application for a special exception to the terms of this chapter which has been unfavorably acted upon by the Board of Appeals shall be considered on its merit by said Board within two years after the date of such unfavorable action except with the consent of all but one of the members of the Planning Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-63. Variances. [Amended 4-24-1978
TM, Art. 64; 5-3-1999 STM, Art. 5]**

§ 200-63. Variances. [Amended 4-24-1978 TM, Art. 64; 5-3-1999 STM, Art. 5]

- A. The Board may authorize a variance for a particular parcel of land or to an existing structure thereon from the terms of this chapter where, owing to circumstances relating to the soil condition, shape or topography of such land or structure 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 chapter would involve substantial hardship, financial or otherwise, to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter.

- B. Before any variance is granted, the Board must find all of the following conditions to be present:
- (1) Conditions and circumstances are unique to the appellant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
 - (2) Strict application of the provisions of this chapter would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same district.
 - (3) The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter.
 - (4) Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-64. Special permits.**

§ 200-64. Special permits.

The Board shall have the power to hear and decide on applications for special permits for exceptions.

- A. In applying for a special permit, the applicant need not demonstrate hardship, since the basis for the action is of general benefit to the Town as a whole. In granting a special permit, the Board, with due regard to the nature and conditions 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 use requested is listed in Table of Use Regulations as a special permit in the district for which application is made.^{EN(33)}
 - (2) The requested use is essential or desirable to the public convenience or welfare.
 - (3) The requested use will not create undue traffic congestion, or unduly impair pedestrian

safety.

- (4) The requested use will not overload any public water, drainage or sewerage 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 Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
 - (5) Any special regulations for the use, set forth in Article XII, are fulfilled.
 - (6) The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, or welfare.
- B. The special permit application must be filed with the Town Clerk, who shall transmit the application to the special permit granting authority. The effective date of filing is the date the application is filed with the Town Clerk. Special permits shall only be issued after a public hearing, which must be held within 65 days after the effective date of filing of a special permit application. [Added 4-24-1978 TM, Art. 67]
- C. Upon finding all of the above conditions to be fulfilled, the Board must grant the special permit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XI, Administration and Enforcement / § 200-65. Other requirements.**

§ 200-65. Other requirements.

The granting of any appeal by the Board shall not exempt the applicant from any provision of this chapter, which has not specifically been ruled upon by the Board or specifically set forth as expected in this particular case from a provision of this chapter. It shall be unlawful for any owner or person to reconstruct, convert, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions**

ARTICLE XII, Special Permit Conditions

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE XII, Special Permit Conditions / § 200-66. Special conditions.

§ 200-66. Special conditions.

In addition to the general conditions set forth in § 200-64 of this chapter for all special permits, the following special conditions shall apply to the following uses in this article listed as special permits in various districts in the Table of Use Regulations.^{EN(34)}

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE XII, Special Permit Conditions / § 200-67. Removal of sand, gravel, quarry or other earth materials.

§ 200-67. Removal of sand, gravel, quarry or other earth materials.

A. Conditions.

- (1) For the removal of sand, gravel, quarry, or other earth materials other than that which is incidental to and in connection with the construction of a building on a lot, and for processing and treating raw materials, the following conditions shall govern:
 - (a) Removal and processing operations shall not be conducted closer than 50 feet to a public street.
 - (b) All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
 - (c) Off-street parking as required in the Table of Off-Street Parking Regulations shall be provided.^{EN(35)}
 - (d) Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT - DANGER signs.
 - (e) Any work face or bank that slopes more than 30° downward adjacent to a public

street will be adequately fenced at the top.

- (f) Adequate provision is to be made for drainage during and after the completion of operations.
- (g) Lateral support shall be maintained for all adjacent properties.
- (h) The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
- (i) All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
- (j) The work hours of operation shall be designated.
- (k) Excavation shall be restricted to those areas, which are at elevations 10 feet or more above the maximum groundwater elevation as determined by the most recent testing conducted under the provisions of this section. [Added 4-30-1990 TM, Art. 41]

[1] No permit shall be issued or renewed under this chapter until the applicant has submitted to the Board current and complete information on the actual and proposed depth of excavation and the maximum groundwater elevation throughout the entire area proposed to be excavated. Maximum groundwater elevation shall be determined by means of monitoring wells, test pits and soil borings during the months of March, April or May. Such tests shall be conducted by a Massachusetts registered professional engineer at the expense of the applicant and shall be submitted to the Board over the engineer's stamp.

[2] The groundwater monitoring wells shall be left in place during the period that the applicant holds a permit hereunder, and readings therefrom shall be taken during March, April or May of each year. The results of such readings shall be submitted to the Board over the engineer's stamp.

B. Site plans shall be filed with the Board for any land which is used or intended to be used for the extraction of sand, gravel, rock, and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a scale of 200 feet to the inch or such other suitable scale as may be determined by the Zoning Inspector and shall be in accordance with and indicate the following:

- (1) Lot lines.
- (2) Adjacent public streets.
- (3) Proper provisions for safe and adequate water supply and sanitary sewerage and for

temporary and permanent drainage of the site.

- (4) Plan for regrading of all or parts of the slopes resulting from such excavation or fill; and
- (5) Plan for replacements of at least four inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
- (6) Plan for lighting, if night operation is contemplated.
- (7) Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
- (8) The relation of future buildings and operations machinery to the removal areas.
- (9) Delineation of removal areas.
- (10) Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than one foot in two feet. Such fence shall be located 10 feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.
- (11) Provision shall be made for the submission to the Zoning Inspector of as-built plans of all final grading and site improvements.

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

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

D. Special permit required.

- (1) No soil, loam, sand, gravel, stone or other earth materials shall be removed from any premises within the Town unless such removal will constitute an exempt operation as hereinafter provided or done pursuant to a special permit therefor issued by the Board of Appeals. (See § 200-64.) [Added 6-10-1974 TM, Art. 10]
- (2) Application and reference to Planning Board. [Added 6-10-1974 TM, Art. 10]
 - (a) Subject always to § 200-64 hereof, each application for a permit for earth material removal shall be accompanied by a plan, submitted in duplicate (the exact size and number of copies of which may be indicated by a rule of the Board of Appeals), prepared at the expense of the applicant by a registered land surveyor or civil engineer showing: (1) existing contours of the land, (2) the contours as proposed after completion of the operation, (3) the proposed lateral support to all adjacent property, (4) the proposed drainage, (5) other information necessary to indicate the complete physical characteristics of the proposed operation.
 - (b) Within 10 days after receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Planning Board, which said Board may, in its discretion, investigate the case and in writing its recommendation to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed 30 days to elapse after receipt of such plan without submission of a report.
 - (c) Conditions of permit.
 - [1] In granting a special permit hereunder, the Board of Appeals shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to: (1) method of removal, (2) type and location of temporary structures, (3) hours of operation, (5) routes for transporting the material through the Town, (6) area and depth of excavation, (7) distance of excavation to the street and lot lines, (8) steepness of slopes excavated, (9) reestablishment of ground levels and grades, (10) provisions for temporary and permanent drainage, (11) disposition of boulders and tree stumps, (12) replacement of loam over the area of removal, and (13) planting of the area to suitable cover, including trees.
 - [2] No special permit for removal of earth material shall be issued for a period of more than one year in a residential district or more than two years in a nonresidential district, although such a permit may be renewed for additional periods in the same manner as for initial issuance. Where the duration of the period exceeds one month, the Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case, it specifically finds that such security is not warranted and so states in its

decision, giving the reasons for its finding. Where the duration of the permit is one month or less, the Board may, in its discretion, require such security, as hereinafter set forth for all special permits.

- (d) Existing operations. A sand or gravel pit, quarry, or other removal activity in lawful operation on any premises on the effective date of this chapter may continue as an exempt operation unless and until abandoned, or if operating under a prior permit issued by the Board of Appeals, until the expiration thereof. Discontinuance for more than 12 consecutive months shall be deemed to constitute abandonment.
 - (e) Other exceptions. [Amended 4-30-1979 TM, Art. 35]
 - [1] The removal by an authorized person of material from land in use by the Town or other governmental agency.
 - [2] The removal by an authorized person of less than 100 cubic yards of material in the aggregate in any year from any one premises with the permission of the Building Inspector.
 - (f) Permits in proposed subdivisions. It is the intention of this chapter that the removal of earth materials from any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of material from the premises, even though in connection with the construction of streets shown on the plan. [Added 2-10-1975 TM, Art. 15]
- E. Removal incidental to and in connection with the construction of a building on a lot. (Accessory Use) Subject to the following: No soil, loam, sand, gravel, stone, or other earth material shall be removed from any premises within the Town without a special permit therefor issued by the Board of Appeals unless: [Added 4-30-1979 TM, Art. 35]
- (1) Such removal is by an authorized person of material necessarily excavated in connection with the lawful construction of a building or structure, or a driveway, sidewalk, or path incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk, or path below the existing grade.
 - (2) The removal is by an authorized person of less than 100 cubic yards of material, in addition to that allowed above in Subsection E(1), from any one premises.
 - (3) The transfer is by an authorized person of material from one part of a premises to another part of the same premises.

- (4) The removal is by an authorized person of material from land in use by the Town or other governmental agency.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-68. Filling of water body, wet area, or
depression.**

§ 200-68. Filling of water body, wet area, or depression.

For the filling in of any pond, lake, swamp, or other existing body of water or wet area; and the filling in of any swale, valley, or other area or depression, where such filling in requires an amount of fill equivalent to 500 cubic yards or more; or where the area to be filled in exceeds 10,000 square feet, the following conditions apply (such conditions shall include, where applicable, prior approval by the Board of Selectmen, the Massachusetts Department of Natural Resources and the Massachusetts Department of Public Works under MGL c. 131, §§ 40 and 40A, Acts Relating to the Protection of Flood Plains):

- A. Submission of a locus plan at a scale of one inch equals 1,000 feet showing the area to be filled in or excavated, lot lines within which the filling is proposed and tie-in to the nearest road intersection.
- B. Submission of a site plan at a scale of one inch equals 40 feet of the lot and surrounding area within 100 feet showing in addition to Subsection A above, existing and proposed contour lines at intervals of not more than two feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer and registered land surveyor.
- C. Provision for temporary and permanent drainage of the site.
- D. Limitation of fill to terrace fills which are not to exceed 10 feet at any one time nor be within 10 feet of an adjacent lot line or any cut.
- E. Regrading of all or parts of the slopes resulting from such fill.
- F. Replacement of at least six inches of loam or topsoil over all filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
- G. Submission of plan for lighting, if night operation is contemplated.
- H. Where any fill will have a depth of 10 feet or more and create a slope of more than one foot in two feet, there shall be a substantial fence enclosing the fill at least six feet in height with

suitable gates. Such fence shall be located 10 feet or more from the edge of the fill.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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XII, Special Permit Conditions / § 200-69. Cluster residential development.**

§ 200-69. Cluster residential development.

For residential development in a cluster pattern subject to the dimensional regulation less than the minimum required for development of an individual lot in the same district, the following conditions shall apply:

- A. The tract of single or consolidated ownership at the time of application shall be at least 30 acres in size and shall be subject to approval by the Planning Board under the Subdivision Control Law.^{EN(36)} [Amended 6-23-1975 TM, Art. 22]
- B. A site plan shall be presented for the entire tract.
- C. Each individual lot shall be subject to all requirements for a one-family detached dwelling in any R-15 District.
- D. The total number of proposed lots in the development within any district shall not exceed the number of lots, which could be developed under normal application of the Table of Dimensional and Density Regulations^{EN(37)} of the zone in which the tract of land is located. [Amended 6-23-1975 TM, Art. 23]
- E. All lots are drawn so that the rear lot line shall be no less than 20 feet. [Added 6-23-1975 TM, Art. 23]
- F. The development shall be served by a public water and sewer system, except that individual on-lot sewerage systems may be used where the dimensional and density regulations for the R-20 District are applied.
- G. At least 20% of the total tract area (of which at least 50% shall not be wetlands) shall be set aside as common land. [Amended 6-23-1975 TM, Art. 24]
- H. Such common land shall be preserved for recreation, conservation or public use. Preservation shall be guaranteed at the time of approval of the definitive plan by the Planning Board as follows: [Amended 6-23-1975 TM, Art. 25]
 - (1) Conveyance to and acceptance by the Town; or
 - (2) Conveyance to and acceptance by the Conservation Commission; or

- (3) Dedicated by covenant or comparable legal instrument for use by residents of the subdivision; or
- (4) Ownership shall be arranged and maintenance permanently assured through a suitable recorded land agreement through which each lot owner is involved and each lot is subject to a charge for a share of the maintenance expenses.^{EN(38)}

I. Such common land shall have suitable access to a street.^{EN(39)}

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-70. Planned business development.**

§ 200-70. Planned business development.

For planned business development of land subject to maximum building coverage more than the maximum permitted in the Table of Density and Dimensional Regulations^{EN(40)} and less than the parking requirements contained in the Table of Off-Street Parking Regulations,^{EN(41)} provided:

- A. The tract shall be in single or consolidated ownership at the time of application and shall be at least five acres in size.
- B. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access and landscaping.
- C. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by special permit of the Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section; the development shall be served by one common parking area, exit, and entrance.
- D. The ratio of the gross floor area of the building(s) to the total lot area shall not exceed 0.50.
- E. The development shall be served by one common parking area and by common exit and entrance areas.
- F. Reduction in parking space requirements shall not exceed more than 10% of those required under normal application of requirements for the particular uses proposed.
- G. The development would be served by a public water system.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE XII, Special Permit Conditions / § 200-71. Planned industrial development.

§ 200-71. Planned industrial development.

For the planned industrial development of land for manufacturing or service industrial purposes subject to area regulations less than the minimum required in the Table of Density and Dimensional Regulations, provided:

- A. The tract in single or consolidated ownership at the time of application shall be at least 15 acres in size.
- B. A site plan shall be presented for the entire tract. It shall be referred to the Planning Board for advice and recommendation. Where the site plan constitutes a subdivision, it shall require approval by the Planning Board under the Subdivision Control Law.^{EN(42)}
- C. Individual lot sizes shall not be reduced more than 10% below that normally required for manufacturing or service industrial purposes in the district.
- D. The total number of establishments in the development shall not exceed the number of establishments which could be developed under normal application requirements of the district.
- E. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.
- F. The development shall be served by a public water system.
- G. At least 10% of the total tract area (of which at least 50% shall not be wetlands) shall be set aside as common land. [Amended 6-23-1975 TM, Art. 27]
- H. Such common land shall be preserved for recreation, conservation or public use. Preservation shall be guaranteed at the time of approval of the plan by the appropriate Board (Board of Appeal) as follows: [Amended 6-23-1975 TM, Art. 28]
 - (1) Conveyance to and acceptance by the Town of Stoughton; or
 - (2) Conveyance to and acceptance by the Stoughton Conservation Commission; or
 - (3) Dedicated by covenant or comparable legal instrument for use by the tenants or owners in the development; or
 - (4) Ownership shall be arranged and maintenance permanently assured through a suitable recorded land agreement through which each lot owner is involved and each lot is

subject to a charge for a share of the maintenance expenses.

- I. Such common land shall be restricted to open space, playfield, golf course, or conservation area.
- J. Such common land shall have suitable access to a street.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-72. Home occupation. [Amended
4-28-1986 TM, Art. 21]**

§ 200-72. Home occupation. [Amended 4-28-1986 TM, Art. 21]

For the use of a dwelling in any district for a home occupation, provided:

- A. No more than one nonresident shall be employed therein.
- B. The use is carried on strictly within the principal building.
- C. Not more than 40% of the existing net floor area not to exceed 400 square feet is devoted to such use.
- D. That there shall be no display of goods or wares visible from the street.
- E. No advertising on the premises other than a small nonelectric sign not to exceed two square feet in area, and carrying only the occupant's name and his occupation such as physician, artisan, teacher, day-nurse, lawyer, architect, salesman (type), engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions.
- F. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
- G. Any such building shall include no feature or design not customary in buildings for residential use.
- H. Such uses as clinics, barber shops, bakeries, gift shops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, and others of a similar nature shall not be considered as home occupations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-73. Environmental performance standards.**

§ 200-73. Environmental performance standards.

Any use permitted by right or special permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:

- A. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
- B. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
- C. No activities that emit dangerous radioactivity, at any point; no electrical disturbances adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
- D. No emission of visible smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall be permitted.
- E. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling, at any point, and in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grain per cubic foot of conveying gas or air shall be permitted.
- F. No discharge, at any point, into a private sewage system, stream, the ground, or a municipal sewage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
- G. No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 7:00 p.m., or for 30 seconds or more in any one hour between 7:00 p.m. and 7:00 a.m. shall be permitted. No vibration at any time shall produce

an acceleration of more than 0.1 gram shall result in any combination of amplitudes frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442.

H. Sound pressure levels.

- (1) Maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from a facility between 10:00 p.m. and 7:00 a.m. shall be as follows:

Frequency Band (cycles per second)	Sound Pressure Level (decibel re. 0.0002 dyne/CM²)
20 to 75	69
75 to 100	54
150 to 300	47
300 to 600	41
600 to 1,200	37
1,200 to 2,400	34
2,400 to 4,800	31
4,800 to 10,000	28

(2) Corrections.

- (a) If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

[1] Daytime operation only: +5.

[2] Noise source operates less than 20% of any hour period: +5.

- (b) Only one of the above corrections may be applied.

- I. Emission of odorous gases or odoriferous matter in such quantities as to be offensive shall not be permitted. Any process which may involve the creation and/or emission of any odors

shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C., shall be permitted.

- J. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as welding, shall be permitted.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-74. Conversion of nonresidential
structures to residential.**

§ 200-74. Conversion of nonresidential structures to residential.

For residential use development within existing nonresidential structures not subject to the Table of Dimensional and Density Regulations,^{EN(43)} the following conditions shall apply:

- A. A site plan shall be presented for the entire development. This shall include parcels of land intended for use but separated from the main parcel by a public or private way.
- B. The site plan shall be submitted to the Planning Board for advice and recommendation.
- C. The following uses shall be permitted: residential, community facilities for exclusive use of the residents, and commercial (retail or service establishment). The gross floor area devoted to commercial uses shall not exceed 5% of the total residential gross floor area and shall not be located above the first floor.
- D. The proposed conversion shall comply with the dimensional and density regulations for the R-M District (§ 200-25^{EN(44)}) and to the provisions of § 200-30C, except that the minimum yard dimensions and maximum building area may be adjusted as deemed appropriate by the Board of Appeals.
- E. At any one time, not more than 10% of the total dwelling units shall contain three or more bedrooms.
- F. For multifamily units of two or more bedrooms, there shall be constructed and equipped an outdoor recreation area containing 100 square feet for each dwelling unit within the development with a minimum requirement of 2,000 square feet. Specifically exempt from this requirement are one-bedroom units and housing for the elderly.
- G. The development shall be served by public water and sewerage.

- H. Parking facilities shall meet the requirement of Article IX, except the required number of spaces shall be one additional for each five units for visitor parking. In housing for the elderly projects, the parking requirements shall be reduced by 50%.
- I. Such other conditions as the Board may find appropriate in accordance with § 200-64 may be imposed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-75. Fast-order food establishments.
[Added 6-23-1975 TM, Art. 30]**

§ 200-75. Fast-order food establishments. [Added 6-23-1975 TM, Art. 30]

In considering special permits for fast-order food establishments, the Board shall give consideration to the following:

- A. Impact on traffic and parking.
- B. Sensitivity to the visual and physical characteristics of the particular location, including siting, signing, lighting, landscaping, fencing, materials, windows, etc.
- C. Fulfillment of a need in the neighborhood or in the Town.
- D. Reliance on walk-in trade as opposed to drive-in or automobile-related trade.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-76. Adult entertainment. [Added 4-25-1983
STM, Art. 36]**

§ 200-76. Adult entertainment. [Added 4-25-1983 STM, Art. 36]

Establishments may not be located less than 750 feet from the nearest lot line of:

- A. Each other.
- B. Public or private nursery schools.
- C. Public or private day-care centers.
- D. Public or private kindergartens.

- E. Public or private elementary schools.
- F. Public or private secondary schools.
- G. Playgrounds.
- H. Churches.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XII, Special Permit Conditions / § 200-77. Temporary additional living area.
[Added 4-25-1983 STM, Art. 40]**

§ 200-77. Temporary additional living area. [Added 4-25-1983 STM, Art. 40]

In considering special permits for temporary additional living quarters, the Board shall give consideration to the following:

- A. The owner must be the occupant of the residence.
- B. Living areas must be within the same principal structure.
- C. Not more than one bedroom shall be permitted.
- D. Kitchen facilities shall be of a type readily removable.
- E. That there shall be a maximum of two people.
- F. The applicant must provide satisfactory proof of kinship.
- G. Permit would be restricted to applicant.
- H. Submittal of plans approved by Building Inspector showing floor plan and proposed parking.
- I. Building Inspector must be notified upon cessation of occupancy.
- J. Only one permit will be allowed per locus.
- K. No new entrances for the living quarters will be allowed/required; existing entrances will be used by all parties involved.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIII, Natural Features Conservation and Landscape Review**

ARTICLE XIII, Natural Features Conservation and Landscape Review

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIII, Natural Features Conservation and Landscape Review / § 200-78. Intent.**

§ 200-78. Intent.

- A. The intent of this article is to prevent cumulative damage to the landscape and topography and related valuable and nonrenewable natural resources of the Town of Stoughton.
- B. It is not the intent of this article to interfere with creative land use, but rather to set guidelines, establish procedural steps that require considered planning prior to taking action that will produce lasting consequences to the natural environment; and to provide individual review.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIII, Natural Features Conservation and Landscape Review / § 200-79.
Applicability.**

§ 200-79. Applicability.

- A. All allowed uses in Article VI (Table of Use Regulations) of this chapter.^{EN(45)}
- B. All special permit uses as authorized in Article VI (Table of Use Regulations) of this chapter.
- C. The requirements of Article XIII shall not apply to any lots of two acres or less currently occupied by lawful uses or structures unless there is a change of use or expansion for which a permit is required under this chapter.
- D. The requirements of Article XIII shall not apply to a single, one-family detached dwelling. It shall apply to a grouping of two or more one-family detached dwellings.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIII, Natural Features Conservation and Landscape Review / § 200-80.
Procedure.**

§ 200-80. Procedure.

- A. For all allowed uses, as authorized in Article VI of this chapter, the Building Inspector shall review applications for conformity with Article XIII. For all special permit uses, as authorized in Article VI of this chapter, the Board of Appeals shall be responsible for conformity with these requirements.
- B. In order to aid the Building Inspector and the Board in determining conformance with this article, a Site-Landscaping Plan shall be submitted at the time of application. The Building Inspector or Board shall forward said plan to the Landscaping Review Board. This Board shall review said plan and make an advisory report within 14 days to the Building Inspector or Board.
- C. The Site-Landscaping Plan shall be drawn at a scale of one inch equals 20 feet, zero inches, and shall contain the following material:
 - (1) Existing and proposed topography with a two-foot contour interval. Existing grades to be shown dotted and proposed grades to be shown solid.
 - (2) The general location, type, and size of existing trees, rock masses, and other natural features with designations as to which features will be retained.
 - (3) Proposed planting marked by name and number.
 - (4) Walks, roads, and parking areas.
 - (5) Other features, if a part of the proposed landscaping, such as fences, screens, rip-rap, retaining walls, benches, tables, pools, patios, gardens, etc.
 - (6) Details (three-quarter-inch scale) of tree guying, planting, walks, curbs, benches, retaining walls, rip-rap, and fences.
 - (7) Exterior freestanding lighting.
 - (8) A plant list indicating common and scientific names of all plants and the number of each; the height of each type of plant, and its caliper or pot size.
 - (9) A brief outline specification indicating landscaping standards to be followed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIII, Natural Features Conservation and Landscape Review / § 200-81.
Preservation of landscape. [Added 4-28-1975 TM, Art. 40]**

§ 200-81. Preservation of landscape. [Added 4-28-1975 TM, Art. 40]

The landscape shall be preserved in its natural state by minimizing tree and soil removal.

- A. Top soil. Top soil shall not be disturbed on a site except on areas of grading indicated on the approved plan required for a permit, or within 20 feet of any structure during residential construction, or for other construction within the minimum prescribed area needed for actual construction activity. Any topsoil removed from these areas during the construction process shall be replaced to a depth of not less than six inches within 20 days after completion of construction, but prior to issuance of a certificate of occupancy.
- B. Grading and topography.
- (1) Efforts shall be taken to maintain the continuity of the natural topography when building on any site. Cut and fill shall be avoided in all instances possible; and the topography rather than radically altering the topography to conform to structures. Except in areas where terracing is used, when excavation is necessary, grading shall be done in such a way that the resulting contours follow smooth natural curves that conform to the curves of the surrounding landscape. Straight or angular slopes or cuts which interrupt natural topography shall not normally be allowed. Abrupt changes in topography near lot lines which might otherwise result in excessive water runoff, erosion, or hazards shall not be allowed in excess of the following conditions, except by permit:
 - (a) Where adjacent lot is lower in elevation than the lot for which a permit is sought, no slope or terrace exceeding 50% slope and five feet difference in elevation shall be allowed within 25 feet of the lot line.
 - (b) Where the adjacent lot is higher than the elevation of the lot in question, no slope or terrace exceeding 50% slope and five feet difference in elevation shall be allowed within 10 feet of the lot line.
 - (2) Slope is defined as the ratio of vertical rise over horizontal distance, and is expressed as a fraction or a decimal: e.g., 1/5 or 20%.
 - (3) Retaining walls of design and construction approved by the Building Inspector or the Board of Appeals, but not exceeding 12 feet in height, may be built on lot lines, but only where there is not sufficient room to utilize properly stabilized slopes.
 - (4) Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. The following guidelines are recommended:
 - (a) Slopes greater than 35% should be avoided in most cases;

- (b) Slopes between 25% and 35%: rip-rap, or terracing should be used;
 - (c) Slopes between 10% and 25%: sod, or established vegetation or seedlings in association with webbing material placed over the soil;
 - (d) Slopes between 4% and 10%: plant seed in association with webbing material placed over the soil, or heavy mulch or gravel.
- (5) Plans for zoning permits and special permits shall include appropriate means to prevent erosion during construction.
- C. Vegetation. Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible, and plans shall be designed accordingly.
- (1) Without a permit issued by the Building Inspector, or approval by the Zoning Board of Appeals, if required, there shall be no cutting of trees larger than six inches in diameter (diameter measured at five feet above grade), and no wholesale clearing of trees in excess of 20 feet tall from any area larger than 3,000 square feet.
 - (2) Outside the areas of actual construction activity, all trees of greater than five inches' diameter (measured five feet zero inches above grade) should be preserved. If a lot is covered with mature trees of greater than five inches' diameter (measured five feet zero inches above grade), they should not be thinned by more than 50%. Upon completion of construction, trees and shrubs of a species suited to the soil and climate of the area should be planted by the developer. These shall be in a healthy condition, and shall be properly planted to insure survival. These new trees and shrubs are intended to replace ones required to be removed in order to facilitate construction, and shall be selected and located with this in mind.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41]**

ARTICLE XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-82. Purpose.**

§ 200-82. Purpose.

The purpose of site plan approval is to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Stoughton by providing a comprehensive review of the land and development plans submitted to the Town for approval to ensure that the following conditions have been met:

- A. The location of buildings, uses and other site development are properly and legally located on a site as prescribed by Chapter 200, Zoning.
- B. Adjacent properties are protected from nuisance caused by noise, traffic, noxious or harmful fumes and glare of lights.
- C. Significant natural features on a site are preserved as much as possible (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats and other areas of aesthetic and ecological interest).
- D. Adequate facilities for off-street parking and loading, drainage, snow removal, fire protection and methods of solid waste disposal are provided on site.
- E. Pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility and public safety.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-83. Projects
requiring site plan approval.**

§ 200-83. Projects requiring site plan approval.

All buildings, other than single-family and two-family residences and structures accessory thereto, which are to be constructed, removed and reconstructed or demolished and reconstructed, or enlarged, which enlargement is equal to or greater than the percentage of the total building gross square footage listed in Table 1 or 5,000 square feet, whichever is less, shall be subject to site plan approval by the Planning Board. In addition, any change in the use, other than a single- or two-family, to a use which has an increased requirement for parking as defined by this article, or an increase in impervious surface, other than building footprint, shall also be subject to site plan approval.

be subject to site plan approval by the Planning Board. In addition, any change in the use, other than a single- or two-family, to a use which has an increased requirement for parking as defined by this article, or an increase in impervious surface, other than building footprint, shall also be subject to site plan approval.

Table 1

Size of Building Footprint (gross square feet)	Percentage of Increase Requiring Site Plan Approval
Under 1,000	40%
1,000 to 4,999	30%
5,000 to 19,999	20%
20,000 to 50,000	10%
Over 50,000	5%

Note: "gross square feet" = gross square footage of the building. Gross square footage shall be calculated using the outside dimension of the building footprint times the number of floors.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-84. Site plan
approval procedure.**

§ 200-84. Site plan approval procedure.

- A. Recommended pre-filing procedure. The applicant is encouraged to request, in writing, to schedule a meeting to review the proposed site plan with the Engineering and Building Departments. The purpose of this recommended pre-filing procedure is to review with the applicant the requirements and criteria for site plan approval and address questions in order to give the applicant advice and comments prior to submitting a site plan application and thus avoid unnecessary time and costs to the applicant due to unforeseen problems and issues with a submitted site plan.
- B. Application procedure.
 - (1) At the time of filing, the applicant must submit 12 copies of a completed site plan application (Appendix A) and 12 copies of the site plan, conforming to all requirements listed in this article, along with any pre-filing comments received, to the Planning Board, in care of the Engineering Department. Additionally, a copy of the site plan application (without plans) shall be filed with the Town Clerk.
 - (2) The site plan application and plans will be date stamped by the Engineering Department and forwarded to the following departments for comment:
 - (a) Building Department.
 - (b) Public Works Department.
 - (c) Health Department.
 - (d) Conservation Commission.

- (e) Fire Department.
 - (f) Police Department.
 - (3) Each department shall make every effort to have all comments submitted to the Planning Board within 30 days of receipt of a site plan approval application. These comments shall be available for review at the Engineering Department prior to the public hearing.
- C. Contents of application. An application for site plan approval shall also be accompanied by the following:
- (1) A list of names and addresses of all property owners of record who share a common property line with any portion of the subject property, and abutters to the abutters within 300 feet.
 - (2) An itemized list of all applicable permits required for the subject site prior to the issuance of a building permit, and any approvals, variances and applications applied for and obtained for the project and property, including, as may be applicable, an application for municipal sewer connection, application for construction of an individual sewerage disposal system, application for municipal water connection, or application for well permit.
 - (3) If a variance or a special permit is required to be issued by the Zoning Board of Appeals for a project, it shall be obtained prior to application for site plan approval.
 - (4) Written permission from the owner of the property to apply for site plan approval, if the applicant is not the owner.
 - (5) For projects proposing demolition of an existing structure, a written finding by the Stoughton Historical Commission that the building or structure is not historically significant.
- D. Public notice. No less than seven days prior to the date of the public hearing, the applicant shall advertise the public hearing in a newspaper of local circulation, and shall send written notice, by first class mail, to all abutters within 300 feet of the subject property. Legal advertisement and all required postage shall be paid by applicant. The legal advertisement and abutter notification shall include, at a minimum, the following information:
- (1) The name and, if applicable, the business name and address of the applicant.
 - (2) The street address and the Assessor's map and lot number of the property as specified on the site plan application on which construction or expansion is planned.
 - (3) A brief description of the type of construction or expansion planned.

- (4) The designated Town office where the site plan application can be reviewed.
- (5) The date, time and place of the public hearing.
- E. Public hearing. A public hearing on the site plan application shall be scheduled within 45 days of filing. Failure of the Planning Board to hold a public hearing within this 45 days shall be deemed as constructive approval, upon which the Town Clerk shall issue a certificate to this effect and a notation on the applicant's site plans.
- F. Planning Board action. The Planning Board shall take final action on the site plan application within 30 days of the close of the public hearing. Planning Board action shall be by vote of a majority of the members, or majority of a voting quorum, and shall consist of any one of the following:
 - (1) Approval, if the site plan meets the requirements of this article;
 - (2) Approval with conditions, if the site plan would meet the requirements of this article upon satisfaction of certain conditions; or
 - (3) Disapproval, if the site plan does not meet the requirements of this article.
- G. Record of vote. A record of the Planning Board's action shall be written in triplicate on a record of vote form (Appendix B), and filed with the Planning Board, Building Department and Town Clerk, respectively.
- H. Endorsement upon approval. In addition to the written record of vote, the Planning Board approval, or approval with conditions, shall be indicated by endorsement on the site plan by a majority of the Planning Board, with a reference to any specific conditions which may be contained in the written record of vote. Once approved, one copy of the approved site plan, signed by the Planning Board, or its authorized representative, shall be forwarded to the Building Inspector and Engineering Department within five days of final Planning Board action.
- I. Constructive approval. Failure of the Planning Board to take final action within the prescribed thirty-day period shall be deemed as approval, upon which the Town Clerk shall issue a certificate to this effect and a notation on the applicant's site plans. For the purposes of this article, "final action" shall be construed to mean completion of every act required of the Planning Board under this article.
- J. Disapproval for failure to meet filing requirements. The Planning Board may, in its discretion, record a vote of disapproval of a site plan if the applicant has failed to meet any of the requirements of filing set forth in this article.
- K. Certificate of occupancy. No occupancy permits shall be issued for any building or structure,

or portion(s) thereof, until:

- (1) The Building Inspector receives certification from a registered architect, engineer or land surveyor, that all construction (including utilities) has been done in accordance with the approved site plan (not required for site plans for structures less than 5,000 square feet); and
- (2) The Building Inspector and Engineering Department verify that all conditions of the approved site plan have been met.

L. Security for incomplete work.

- (1) Notwithstanding the requirements of § 200-13 above, at the option of the applicant, an occupancy permit may be issued if the only incomplete work shown on the site plan is exterior, cosmetic or landscaping, and if surety, the amount to be set by the Planning Board at a regular meeting, is posted to ensure that the incomplete work is completed within a reasonable time. The Planning Board shall establish a deadline for completion of not more than one year from posting of security. The Planning Board may, at its discretion, allow surety to be posted for site work in addition to landscaping if an unusual or unexpected event prevents the applicant from completing the site work. This allowance is subject to the review by the Planning Board by a site inspection to insure the safety and health for those who occupy the structure and use the site.
- (2) In no event may surety be used for incomplete stormwater management areas or wetlands replication that may be required by the Conservation Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-85. Contents of site
plan and application.**

§ 200-85. Contents of site plan and application.

A. Contents of site plan. The site plan shall contain the following:

- (1) Locus map, at a scale of one inch equals 600 feet or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large-scale plan.
- (2) The location, width, status (public or private), and name of all streets within 100 feet of the project.
- (3) On-site and abutting lot lines. On-site lot lines shall be described by bearing and

- distance. Abutting lot lines shall be shown in a general way.
- (4) Zoning district lines, including Flood Plains, Wetland Protection Districts and Wellhead Protection Zones I and II (if applicable).
 - (5) A signature block including five signature lines and a date line for Planning Board approval.
 - (6) Existing and proposed surveyed topography contour lines at one- or two-foot intervals. For projects with structures in excess of 30,000 gross square feet, see § 200-17.
 - (7) Any streams, brooks or wetland resource area boundaries within 100 feet of the property lines. Wetland resource areas shall be as defined in the most recent version of Chapter 191, Wetlands Protection.
 - (8) Information on the location, size and type and number of existing and proposed landscape features. A landscaping plan, or acceptable alternative, containing planting locations, species/common name, and size/caliper shall be included as well.
 - (9) Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.), including utilities in abutting side streets, if applicable.
 - (10) Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including sill elevations, overhangs and exterior details relating to the building footprint; all existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.
 - (11) Information on directional on-site signage shall be submitted.
 - (12) Elevation and facade treatment plans of all proposed structures. Color renderings are encouraged.
 - (13) Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.
 - (14) Lighting specifications and locations of each light, with explanation of lighting needs at the site. For projects with structures in excess of 30,000 square feet, a manufacturer's point-to-point printout indicating horizontal footcandle levels at grade with proposed property layout shall also be submitted.
 - (15) Details and specifications (if applicable) for proposed site amenities, including, but not limited to, fences, recreation facilities, walls or other barrier materials; and special

paving materials.

- (16) If any waivers are sought from the Planning Board from this section of the article, they shall be clearly listed with their descriptions on the drawing. If any waivers are requested from Chapter 200, Zoning, they shall be listed on a separate sheet and submitted as part of the site plan submission material.
 - (17) Proposed construction schedule.
 - (18) Limit of work delineation.
 - (19) Name and address of record owner/applicant. Cover letter from applicant describing project in detail.
- B. Size of plans. Site plans shall be preferably either 24 inches by 36 inches or 30 inches by 42 inches. Larger plans may be submitted, at the discretion of the Engineering Department, to prevent match-line drawings. The scale shall be a minimum of one inch equals 40 feet, except for elevation views and floor plans which shall be at a scale of 1/8 inch equals one foot or 1/4 inch equals one foot. Site plans shall be legible and include legends. For projects with structures in excess of 30,000 square feet, the proposed layout, planting, utility and grading for the site shall be separated into their own respective sheets.
- C. Requirements for structures greater than 30,000 gross square feet. For projects with structures in excess of 30,000 gross square feet, the applicant shall submit traffic impact and drainage design reports, visual impact assessment and proposed grading plans.
- (1) Traffic report. Traffic reports shall include the following for the study area:
 - (a) Internal traffic flow analyses.
 - (b) Existing average daily traffic and peak hour levels.
 - (c) Analyses of average daily traffic and peak hour levels resulting from the project.
 - (d) An analysis of existing and resulting intersection levels of service (LOS) (Please refer to the most current edition of the Manual of the Institute of Transportation Engineers for the definition of level of service.).
 - (e) Directional vehicular flows resulting from the proposed project.
 - (f) Proposed methods to mitigate the estimated traffic impact.
 - (g) Identification of any pedestrian crossing issues.
 - (h) The methodology and sources used to derive existing data and estimations.

- (2) Visual impact report. The visual impact assessment shall be prepared by a registered landscape architect and shall include:
 - (a) Evaluation of the relationship of proposed new structures or alterations to nearby preexisting structures in terms of character and intensity of use (e.g., scale, materials, color, odor, door and window size and locations, setbacks, roof and cornice lines, and other major design elements);
 - (b) An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes;
 - (c) A site plan rendering.
- (3) Stormwater management plan. The contents of the stormwater management plan shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. Summary data shall be provided in terms understandable to the layperson.
 - (a) The stormwater management plan shall be prepared in compliance with the Stormwater Management Policy of the Department of Environmental Management and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations. The stormwater management plan shall include an Operations and Maintenance (O&M) Manual to be performed by the property owner or their agent detailing the responsibilities of the system operator to ensure proper performance of the drainage system.
 - (b) The following drawings shall be submitted for the stormwater management plan, which shall constitute the applicant's grading plan required by Section 4.1(f):
 - [1] Watershed maps to include:
 - [a] All drainage divides within the sub-watershed for existing and developed conditions.
 - [b] Flow lines of surface runoff entering, passing through, and leaving the site under existing and developed conditions.
 - [2] A base map describing the existing hydrological conditions of the site and of receiving or discharging watercourses, water bodies and wetlands. Existing topography shall be described in one-foot or two-foot contour intervals,

depending on how much detail is required to review drainage impacts of the proposed project.

- [3] All changes in topography, described in full contour detail at two-foot intervals.
 - [4] All areas where any vegetation is to be cleared or otherwise altered.
 - [5] All areas to be covered with an impervious surface and a description of the surfacing material to be utilized.
 - [6] All changes in natural (predevelopment) infiltration, surface runoff paths, and annual high groundwater table levels.
 - [7] The proposed system of stormwater drainage, including the location and design of roadway and individual lot sub-drains, construction details for drainage structures, including manholes, headwalls, detention basins, outlet and inlet control structures.
- (4) Certification of plans. The site plan must be signed and stamped by a professional deemed appropriate by the Planning Board. This may include, but not be limited to, a registered civil engineer, surveyor, landscape architect, or architect. For projects with structures in excess of 30,000 gross square feet, the landscape plan, and visual impact studies shall be prepared and stamped by a registered landscape architect, or other professional as approved by the Planning Board. For projects with structures in excess of 30,000 gross square feet, the elevations and facade treatment drawings shall be prepared by a licensed architect.
- (5) Waiver of filing requirements Upon request of the applicant, the Planning Board may, at its discretion, waive any of the requirements, or portions thereof, of this § 200-17. Action by the Planning Board granting either approval or approval with conditions shall be sufficient evidence of an affirmative waiver by the Board of any of the filing requirements not fulfilled by the applicant. Waivers of filing requirements shall be explicitly requested by the applicant in writing, and expressly granted by the Planning Board. Requirements of this article may not be waived except as properly voted by the Planning Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-86. Standards for
approval.**

§ 200-86. Standards for approval.

- A. Requirements to be reviewed by Planning Board. In reviewing the site plan as part of the approval process, the Planning Board shall ascertain that the site plan meets the following requirements.
- B. Parking spaces.
 - (1) The number and dimensions of parking spaces shown on the site plan conform to the most current requirements of Chapter 200, Zoning.
 - (2) The dimensions of all handicapped-accessible parking spaces shall conform to the Rules and Regulations of the Architectural Access Board, 521 CMR, and the Americans with Disabilities Act.
 - (3) Parking spaces must be clearly marked by painted lines and pavement markings, and signs shall be installed identifying compact spaces and accessible parking spaces, in conformance with the Rules and Regulations of the Architectural Access Board, 521 CMR, and the Americans with Disabilities Act.
- C. Parking lot design. Parking lots shall be designed or re-developed to perform the following functions:
 - (1) To promote inbound flow within the lot, so as not to create conflicting movements;
 - (2) To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;
 - (3) To locate the project access point to provide visibility of the site before access is reached to prevent difficulties of motorists missing the access point and creating congestion on the streets;
 - (4) To create the occasion of convenience and safety for pedestrians traversing through the lot.
- D. Width of access drives and parking aisles. All access drives and parking lot aisles shall be at least 12 feet wide for one-way traffic and 24 feet wide for two-way traffic. Turning radii at the access drives and around the building shall be sufficient for emergency vehicle access as determined by the Fire Chief or his authorized representative.
- E. Site landscaping. The following are the criteria used for landscape design evaluation:
 - (1) The development, through the use of landscape materials, shall be integrated into the

surrounding landscape.

- (2) Landscape materials shall be used to protect abutting properties and enhance the aesthetic quality of the environs and the site. The type, size, and caliper of proposed trees will be evaluated in their effectiveness of enhancing the site. The mixed use of shade trees for defining spaces and providing protection from the elements, evergreens for screening and reduction of noise pollution, as well as the use of ground covers, perennials/annuals/bulbs and shrubs, is encouraged.
- (3) Removal of mature trees and shrubs shall be minimized.
- (4) Objectionable features (such as dumpsters, trash compactors, grease traps, containerized storage and utility boxes) on site shall be screened from neighboring properties, and, if applicable, roadways. Any proposed fencing shall comply with the requirements of the Building Department and the Board of Health.
- (5) Parking lot areas proposed for a site must be adequately landscaped to give relief from the visual impact of an expanse of impervious surface.

F. Minimum standards for landscaping. The minimum total square foot of landscaping to insure the above general standards are met shall be 20% of the total lot area of the proposed development. This calculated square footage shall be marked clearly on the submitted site plan. This percentage shall include landscaping in the following four areas of the site:

- (1) Foundation plantings at entry and at building facade facing roadways;
- (2) Parking lot interior (such as planting islands);
- (3) Screening parking areas, loading areas, rubbish removal bins, and outside storage, if applicable;
- (4) Street line plantings, and perimeter lot line plantings, if applicable.

G. Miscellaneous structures. The following other site amenities or structures may be proposed in order for the applicant to meet its landscape requirements of this article, if deemed necessary and appropriate by the Planning Board:

- (1) Walls, fences, and other barrier material, subject to approval of facing materials;
- (2) Special paving materials;
- (3) Other unique landscaping features not named in this article, which the Planning Board may deem appropriate.

H. General landscaping guidelines. The following are general guidelines to be used for

developing landscape plans:

- (1) Parking lots with 20 or more spaces should be screened along the perimeter from abutting properties and the street.
 - (2) For parking lots with 40 or more spaces, an area equivalent to at least 15% of the area of the parking lot should be constructed and landscaped in the interior of the parking lot. The landscaped area should be evenly distributed within the parking lot and should be at least 25 feet in area with no dimension less than five feet. One tree, at least three inches in caliper, should be installed in each landscaped area. There should be at least one tree for each 10 parking spaces.
 - (3) A landscaping strip should be provided along foundation walls.
- I. Site lighting. Accesses, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Lighting shall be arranged and shielded so as to prevent glare from the site shining onto abutting properties and cars. Lighting shall be designed to reduce wasted light from up-lighting and from sky-glow or light loss. Lighting shall also be designed to enhance the site amenities of the properties through specialty lighting. (After the closing of business hours on the site, lighting services shall be reduced for minimum level necessary for security and safety needs.) To perform these conditions, the following standards shall be met:
- (1) The light source should be either high-pressure sodium or metal halide. Other sources, such as mercury vapor, incandescent and tungsten halogen, may be considered by the Board for low-level landscaping lighting.
 - (2) The luminaries should be the shoebox type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and area lighting is unacceptable. All luminaries shall have a total cutoff of all light at less than 90° from vertical. The lighting fixture should only be visible from below.
 - (3) Reflectors of proper (IES) distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.
 - (4) Developments, which abut residential areas, or, with structures less than 30,000 gross square feet shall be reviewed on a case-by-case basis.
 - (5) Where wall-pack-type luminaries are utilized for exterior illumination, the fixture shall be equipped with a prismatic lens to reduce glare. Means should be designed to a maximum cutoff of 70° from vertical. The location of wall-pack luminaries shall not exceed 20 feet, zero inches in height. Wall-pack luminaries with visible lamping to

normal viewing angles are not recommended.

- (6) No light bulb wattage may be in excess of 400 watts.
 - (7) Minimum footcandle requirement, measured at grade level, is 1.0. Maximum footcandle requirement, measured at grade level, is 8.0.
- J. Loading, waste disposal, and outdoor storage areas. Adequate loading and waste disposal areas shall be provided on site. Loading, waste disposal and outdoor storage areas shall be screened by landscaping, walls, fences, or barriers of sufficient height to conceal said areas from the street and abutting residential properties.
- K. Drainage. Adequate on-site drainage shall be provided to handle peak stormwater runoff, and stormwater runoff shall not adversely affect abutting properties or the Town drainage system. The applicant shall provide conveyance for the twenty-five-year design storm and storage capable of controlling the one-hundred-year design storm. Drainage systems shall also be designed to meet best management practice and all regulations under the stormwater management policy as most recently amended at the time of filing. Applicant is responsible to demonstrate that the system, as designed, will provide adequate total suspended solids (TSS) removal.
- L. Directional signage. Directional signage shall be located on the site so as to provide safe and adequate passage into, out of and through the site. Directional signage shall be designed to produce quick recognition without distraction on and off the site.
- M. Site construction. Site work for the proposed development shall conform to the following general requirements:
- (1) All access routes and parking areas shall be graded, paved, and drained to the satisfaction of the Engineering Department.
 - (2) Curbing, berms, wheelstops, guardrails, and/or bollards shall be placed at the edges of all surfaced parking areas as appropriate. Wheelstops shall be provided wherever a parking area directly abuts a sidewalk.
 - (3) All utility connections shall be constructed in accordance with the requirements of the Engineering Department, Public Works and the Building Department, and other utility owners as applicable.
- N. Maintenance. All accessways, parking areas, fences, walls, landscaping, lighting, drainage, and waste disposal areas shall be adequately maintained and repaired or replaced wherever and whenever necessary for continued compliance with the appropriate site plan.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XIV, Site Plan Review [Added 6-23-2004 ATM, Art. 41] / § 200-87. Administration.**

§ 200-87. Administration.

- A. Waivers. Upon request of the applicant, the Planning Board may grant a waiver of any of the site plan requirements only if it is determined that:
- (1) Literal compliance is impractical due to the nature of the use;
 - (2) The location, size, width, depth, shape, or grade of the lot makes compliance impossible;
 - (3) Such waivers would be in the public interest; and/or
 - (4) Such waivers would protect natural features.
- B. Modification to approved site plans. In the event a modification is made to an approved site plan, the applicant shall submit to the Planning Board revised plans showing the modification. Listed below are situations warranting major review as the original filing, minor reviews requiring Board review at a regular meeting, or no review by the Planning Board. A meeting with the Engineering and Building Departments prior to filing is recommended.
- C. Major modifications. The following modifications to a site plan approval constitute "major modifications," requiring the same review and application of the original filing:
- (1) Changes to the principal use structure paved areas, drainage structures, or lot configuration.
 - (2) Phasing development to allow structures to be constructed in specific separate time frames.
 - (3) Any other modification which the Planning Board finds to be a substantial alteration of the approved site plan.
- D. Minor modification. The following modifications to a site plan approval constitute "minor modifications." The Planning Board may review these following changes to determine the insignificance and consistency within the original approved plan:
- (1) Reduction in landscaping or parking.
 - (2) Requests by applicant to revise conditions of previous decision.

- (3) Facade changes to the structure.
 - (4) Any other modification not listed herein, which the Planning Board deems not to be a substantial alteration of the approved site plan.
- E. Exemptions. The following alterations or construction operations are exempt from the provisions of this article:
- (1) Increase in landscaping, or shifting of landscaping locations, subject to no change in the plant list quantities or vegetation types (i.e., groundcovers, shrubs, flowering trees, shade/street trees), with exception to landscaping approved for buffering or to meet buffering requirements of this article.
 - (2) Changes to infrastructure and utility provisions/apparatus with written approval by the Engineering Division and the agency responsible for the utility, with exception to traffic mitigation (to be considered a minor modification).
 - (3) Relocating of less than 30% of total approved parking spaces.
 - (4) Moving of handicapped parking pursuant to 521 CMR as most recently amended.
- F. Expiration of site plan approval. Any approval of a site plan which has been granted pursuant to this article shall expire two years from the date of final action, unless work in accordance with the site plan approval has not sooner commenced, except for good cause. Site plan approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
- G. Regulations, forms and drawings. The Planning Board may adopt and from time to time amend reasonable procedural regulations, application forms, standard construction detail drawings (as included in the Planning Board Subdivision Rules and Regulations), and specifications for the administration of this article, without requiring Town Meeting approval.
- H. Fees. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.
- I. Appeals. The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of MGL c. 40A, § 17.
- J. Severability. If any of the provisions of this bylaw are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this bylaw, it being hereby expressly declared that this bylaw and each provision hereof would have been adopted irrespective of the fact that any one or more other provision be declared invalid or unconstitutional. Further, if any provision of this bylaw is

for any reason held to be in excess of the authority of the Planning Board, such provision shall not affect any other part of this bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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XV, Amendment, Validity, and Effective Date**

ARTICLE XV, Amendment, Validity, and Effective Date

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XV, Amendment, Validity, and Effective Date / § 200-88. Amendment.**

§ 200-88. Amendment.

This chapter may be amended from time to time in accordance with Section 6 of the Zoning Act.^{EN(46)} During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law^{EN(47)} shall be subject to the provisions of the Zoning Act.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XV, Amendment, Validity, and Effective Date / § 200-89. Validity.**

§ 200-89. Validity.

The invalidity, unconstitutionality, or illegality of any provision of this chapter or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XV, Amendment, Validity, and Effective Date / § 200-90. When effective.**

§ 200-90. When effective.

This chapter shall take effect upon the date resulting from the procedure provided for in MGL c.

40, § 32.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006]**

**ARTICLE XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006
ATM, Art. 73, approved 9-5-2006]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-91. Purpose and intent.**

§ 200-91. Purpose and intent.

- A. There is hereby established a Stoughton Center Mixed Use Overlay District (SCMUOD) Zoning Bylaw and Overlay Zoning District Bylaw Map.^{EN(48)} The benefits of the SCMUOD Zoning Bylaw shall accrue only to those parcels located within the boundary of the SCMUOD.
- B. The SCMUOD is intended to apply only to the Town Center portions of the Central Business District (CBD), General Business (GB) District, Industrial (I) District, and Residential Urban (RU) District as shown on the attached Overlay Zoning District Bylaw Map.
- C. The SCMUOD is established for the accomplishment of the following purposes:
- (1) Maintaining the cultural and architectural integrity of the Center;
 - (2) Promoting a range and balance of residential and commercial uses in the Center;
 - (3) Promoting efficient use of land within the Town;
 - (4) Facilitating integrated physical design and synergies between activities;
 - (5) Facilitating an increase in the variety of housing stock available in the Center;
 - (6) Enhancing vitality in the Center during both day- and nighttime;
 - (7) Promoting a pedestrian-friendly living and working environment that encourages transit

use and bicycling;

- (8) Facilitating economic development of the Center while remaining consistent with the established design guidelines and sensitive to environmental impacts;
- (9) Encouraging building reuse and appropriate infill development;
- (10) Promoting innovative and sustainable building and site design.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-92. Scope of authority.**

§ 200-92. Scope of authority.

A. Authority; construal of provisions.

- (1) The SCMUOD shall not restrict the owner's rights relative to the underlying zoning districts. However, if the owner elects to use the SCMUOD for development purposes, the development shall conform to the requirements of the Stoughton Center Mixed Use Overlay District Bylaw.
- (2) Where provisions of this SCMUOD Bylaw refer to the provisions in the underlying zoning bylaws and there is a conflict between these provisions, the provisions of this SCMUOD Bylaw shall prevail.

B. Definitions. For all purposes pursuant to this bylaw, all terms and words used shall have the meanings as defined by the current Stoughton Zoning Bylaw and shall also include the following:

ARTIST STUDIO/RESIDENCE -- A place of work and residence of one or more persons who are engaged actively, and either gainfully employed or as a vocation, in commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking or the composition of music. This definition does not include any use included in the adult entertainment establishment in the Stoughton zoning bylaws, as amended.

MIXED USE DEVELOPMENT -- A combination of residential and nonresidential uses, as permitted within the SCMUOD, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another in one or more buildings) within a lot.

C. District areas.

- (1) The SCMUOD shall be divided into two distinct areas: SCMUOD Area A and SCMUOD Area B, as shown on the SCMUOD Map.
- (2) Unless specified otherwise in this bylaw, all use, dimensional and design requirements for developments in SCMUOD Area B shall be the same as those within SCMUOD Area A, as amended.
- (3) SCMUOD Area B displays a particular physical character that warrants a slightly different planning approach to the remainder of the SCMUOD. The goal of creating Area B is to preserve the physical character of the area while allowing architecturally appropriate additions and reuse of buildings.

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07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-93. Special permit granting authority.**

§ 200-93. Special permit granting authority.

- A. For all purposes pursuant to § 200-93 of the SCMUOD, the Planning Board is hereby designated as the special permit granting authority (SPGA). All special permit applications made pursuant to the SCMUOD Bylaw shall conform to the standards and criteria and procedural provisions of the SCMUOD Bylaw and all relevant procedural provisions in Section X-K of the current Stoughton zoning bylaws, except that wherever § 200-64 refers to "Board" or "Zoning Board of Appeals," this shall mean the SPGA for the purposes of the SCMUOD Bylaw.
- B. The SPGA shall adopt and maintain Stoughton Center Design Review Guidelines to support the standards and criteria contained within the SCMUOD Bylaw.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / ARTICLE
XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-94. Uses allowed by special permit.**

§ 200-94. Uses allowed by special permit.

All uses allowed by right in the underlying zoning district are permissible by special permit in

the SCMUOD unless listed below as being prohibited.

A. Permitted uses.

- (1) No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by special permit. These uses may be combined within a single structure.
- (2) Within the SCMUOD, the SPGA may issue a special permit for the following uses:
 - (a) Dwelling units located above a retail, restaurant, professional office and service, personal service, or other nonresidential use(s) at ground level, provided that no more than 10% of the total number of dwelling units at any one time be units of three or more bedrooms;
 - (b) Multistory parking structures, provided that the structure complies with the design standards for parking structures identified in this bylaw, as amended;
 - (c) Artist studio/residence;
 - (d) Retail stores and offices, including, but not limited to, salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other financial institutions;
 - (e) Drive-in automatic teller machines only if located in a secondary kiosk-style building that is detached from the principal building on the site and the principal building includes two or more stories;
 - (f) Restaurant and other on-premises eating and drinking establishments.

B. Prohibited uses.

- (1) The following uses are prohibited in the Overlay District:
 - (a) Adult entertainment establishment;
 - (b) Drive-in establishments other than those described in the permitted uses section of this bylaw;
 - (c) Funeral establishments;
 - (d) Animal or veterinary hospital;
 - (e) Sale of new or used automobiles and trucks, automobile tires and other accessories, aircraft, boats, motorcycles, and household trailers;

- (f) Automotive repair, automobile service station or garage, including the sale of gasoline;
 - (g) Storage trailers and outdoor storage of goods associated with a commercial use;
 - (h) Dwelling units located below ground level.
- (2) Within SCMUOD Area B, the following uses shall be prohibited:
- (a) Retail.
 - (b) Eating and drinking establishments.

C. Special use provisions: ground floor uses.

- (1) Ground floors of buildings fronting streets or public accessways shall be reserved for commercial uses except as specified below.
- (2) Dwelling units shall be allowed on ground floors of buildings only where:
 - (a) The building is set behind another building which has commercial uses on the ground floor; or
 - (b) The residential portion of the first floor of a building is set behind street-front retail/office/restaurant uses within the same building; or,
 - (c) In other cases where the SPGA feels that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.
- (3) Ground floor commercial uses within the SCMUOD Area B are to be limited to professional offices.

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XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-95. Standards and criteria.**

§ 200-95. Standards and criteria.

A. General criteria.

- (1) In addition to the specific criteria contained within this section, the SPGA shall consider the following criteria, where relevant, before issuing a special permit for development within the SCMUOD:

- (a) Adequacy of the site in terms of the size of the proposed use(s);
 - (b) Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
 - (c) Suitability of the site for the proposed uses(s);
 - (d) Impact on traffic and pedestrian flow and safety;
 - (e) Adequacy of pedestrian access to buildings and between public spaces;
 - (f) Impact on the visual character of the Center business area and surrounding neighborhood;
 - (g) Adequacy of utilities, including sewage disposal, water supply and stormwater drainage;
 - (h) Impact of the proposal on the existing mix of structures and businesses in the Town Center; and
 - (i) The alignment of future road(s) that may be developed in the Town Center.
- (2) The SPGA may disapprove a proposal that results in the loss of architecturally or historically significant buildings or groups of buildings (for example, converted residential buildings fronting Faxon Park, Pearl Street or Canton Street) that contribute to the existing physical character of the Town Center or which provide for uses key to the success of economics of the Center.
- B. Minimum lot size.
- (1) The minimum lot size in the SCMUOD shall be no less than 10,000 square feet, unless stated otherwise in this bylaw.
 - (2) Minimum lot size within the SCMUOD Area B shall be not less than 7,000 square feet.
- C. Lot coverage. In order to enable higher-density development within the core business area and lower-intensity development nearer to abutting residential districts, the lot coverage requirement within the SCMUOD shall be the same as in the underlying zoning district where the development is proposed. No building area shall be greater than the maximum building area percent shown in the current Zoning Bylaw Table of Dimensional and Density Regulations.^{EN(49)}
- D. Minimum lot width and frontage. Lots within the SCMUOD shall have the following minimum frontage and width, as defined in the current Stoughton Zoning Bylaw:

- (1) Minimum lot frontage shall be 20 feet.
 - (2) Minimum lot width shall be 20 feet.
- E. Dwelling unit size. The size of dwelling units shall be as per the required unit size identified in the current Stoughton Zoning Bylaw (§ 200-30I).
- F. Setbacks and yard regulations for buildings.
- (1) Buildings shall be constructed in accordance with the following front, side and rear yard distances, as defined in the current Stoughton Zoning Bylaw:
 - (a) Minimum front yard depth: zero feet. Note that this depth is to allow zero-setback structures where appropriate in the CBD; it is not meant for all portions of the SCMUOD, where front yard landscaping would be an appropriate amenity.
 - (b) Maximum required front yard depth: 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is the lesser.
 - (c) Minimum side yard width: zero feet except where the subject property shares a lot line with a residential home (or Residential District), in which case, minimum is 25 feet. (Note: minimum is zero feet in CBD.)
 - (d) Minimum rear yard depth: 10 feet, except where the subject property shares any lot line with parcel in a residential district and not included within the SCMUOD, in which case, minimum is 25 feet.
 - (2) No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the frontage, building coverage, yard distances, or other dimensional provisions of the SCMUOD Bylaw.
- G. Height.
- (1) The maximum height of buildings or structures, other than accessory rooftop equipment discussed below or special architectural features, is 40 feet.
 - (2) The height limit does not apply to necessary appurtenances usually carried above the roof not used for human occupancy in accordance with the current Stoughton zoning bylaws (§ 200-30H).
- H. Affordable housing.
- (1) In all developments of more than five dwelling units under the provisions of the SCMUOD, no less than 20% of the total number of units shall be affordable to moderate-income households. The affordable units may be available for either rental or

ownership. A moderate-income household is as defined by the U.S. Department of Housing and Urban Development, or by a similar federal agency created to replace it, as adopted by the Commonwealth of Massachusetts Department of Housing and Community Development.

- (2) In computing the number of required affordable units, fractions shall be rounded up.
- (3) The affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows housing to count towards the statutory affordable housing requirement of Chapter 40B of Massachusetts General Law.
- (4) The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan.
- (5) Affordable residential units shall be subject to a monitoring agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.

I. Accessory buildings and structures. Detached accessory buildings or structures shall conform to the requirements in the current Stoughton zoning bylaws (§ 200-29).

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XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-96. Site design criteria/standards.**

§ 200-96. Site design criteria/standards.

- A. Open space. A minimum of 10% of the site shall remain as open space, designed and intended for appropriate public use. Open space areas shall be maintained as continually open. In order to be included in the required open space calculation, the open space shall be usable, unobstructed space that is not used for vehicle parking, vehicle circulation, loading spaces, or pedestrian pathways within vehicle parking lots.
- B. Public spaces.

- (1) All site development other than the reuse of space in existence on the date of passage of this bylaw may be required to include the provision of public spaces (pedestrian amenities) such as sidewalks, outdoor seating, patios or courts. Such public spaces may include areas such as outdoor cafes clearly identified for a private purpose that increases the street-oriented activity of the site itself.
- (2) These public spaces shall integrate with the existing network of streets and walkways within and adjacent to the SCMUOD to the maximum extent possible, to ensure free movement of motor vehicles, pedestrians and bicycles within the SCMUOD and adjacent neighborhoods. Public spaces that provide for pedestrian connections across the front of the site and between the front of the site and parking facilities located on the property shall be encouraged by the SPGA. These connections may be provided either within the structure or immediately adjacent to the structure within the site's setback area or other areas deemed appropriate by the SPGA.
- (3) Public spaces provided within the lot may count towards the minimum open space requirements for the site.

C. Landscaping requirements.

- (1) All developments, other than the reuse of space in existence on the date of Town Meeting acceptance of this bylaw, shall be landscaped with appropriate low-water vegetation and shall comply with all relevant landscaping standards and guidelines in the current Stoughton Site Plan Review Bylaw.
- (2) Landscaping and screening plant materials within the SCMUOD shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic or blocks views of signs within the roadway alignment.

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XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-97. Vehicular access, parking and loading
requirements.**

§ 200-97. Vehicular access, parking and loading requirements.

- A. Vehicle access. Driveways shall not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide. Curb cuts shall be minimized and subject to design review by the SPGA. Special permit approvals by the SPGA shall encourage off-site pedestrian and vehicular access to existing or future developments on abutting properties in

order to facilitate greater pedestrian access and to minimize curb cuts in the SCMUOD.

B. Vehicle parking.

- (1) Adequate off-street parking shall be provided and maintained in connection with all development pursuant to the SCMUOD Bylaw. In determining adequacy, the SPGA shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.
- (2) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.
- (3) The number of off-street parking spaces required in the SCMUOD shall be as per the SCMUOD Table of Parking Space Requirements.

SCMUOD Table of Parking Space Requirements

Use	Parking
Permitted commercial uses (including retail, offices, and restaurants)	As per the Table of Off-Street Parking Regulations in the current Stoughton zoning bylaw ^{EN(50)}
Residential uses:	
Studio units and one-bedroom dwelling units	1 space per unit, plus 1 space per 10 units or part thereof for guest parking
Dwelling units with 2 or more bedrooms	1.5 spaces per dwelling unit, plus 1 space per 10 units or part thereof for guest parking

- (4) Where the calculation of the number of required parking spaces results in the requirement of a fractional space, any fraction over 1/2 shall require one space.
- (5) Off-street loading shall be provided in accordance with the Off-Street Loading Standards in the current Stoughton Zoning Bylaw.^{EN(51)}

C. Bicycle parking.

- (1) Long-term bicycle parking shall be provided for all new developments in the SCMUOD. Long-term parking shall be at least 50% sheltered from the elements.
- (2) Bicycle parking or storage spaces are to be located as close as possible to the building entrance(s). Bicycle parking location and design shall be in accordance with relevant provisions in the Stoughton Center design guidelines.
- (3) At least one long-term bicycle parking or storage space shall be created for every one residential unit created.
- (4) Condo association documents shall be worded to allow bicycle parking within vehicle parking garages.
- (5) At least two long-term bicycle parking or storage spaces shall be created for commercial uses within the site.
- (6) At least 10 long-term bicycle parking or storage spaces shall be created for structured parking lots.
- (7) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements. This shared agreement shall be submitted to the SPGA as part of the special permit request.

D. Special parking provisions.

- (1) Shared motor vehicle parking. Shared use of motor vehicle parking is strongly encouraged; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement shall be submitted to the SPGA as part of any special permit request. Said shared parking agreement shall address issues such as the maintenance, striping and snowplowing of the shared parking area.
- (2) Off-site motor vehicle parking.
 - (a) Off-site motor vehicle parking for any use may be considered by the SPGA if located within a five-hundred-foot walking distance of the subject site boundary. Said walking distance shall be by way of marked pedestrian crossings.
 - (b) A legally binding agreement from the owner of the subject property containing the proposed off-site motor vehicle parking shall be submitted to the SPGA with the special permit request. This agreement shall state that easement(s) will be provided

for the off-site parking upon issuance of a special permit. All special permits granted pursuant to the SCMUOD Bylaw shall require that easement(s) be provided for all off-site parking. Completed easement documentation shall be presented to the Building Inspector prior to issuance of a building permit.

- E. Loading and waste disposal. Loading and waste disposal areas installed after the date of passage of this bylaw in the SCMUOD shall follow all relevant current State Board of Health regulations and comply with the loading and waste disposal requirements in the current Stoughton Site Plan Review Bylaw.^{EN(52)}
- F. Lighting. All lighting installed in the SCMUOD after the date of passage of this bylaw shall comply with the site lighting requirements in the current Stoughton Site Plan Review Bylaw.^{EN(53)} Cobra head light fixtures are not permitted.

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XVI, Stoughton Center Mixed Use Overlay District [Added 5-1-2006 ATM, Art. 73,
approved 9-5-2006] / § 200-98. Stoughton Center Design Review Standards.**

§ 200-98. Stoughton Center Design Review Standards.

- A. Purposes. The Stoughton Center Design Review Standards are established for the accomplishment of the following purposes:
 - (1) Ensure that Stoughton Center continues to be a unique and identifiable place and destination for residents and visitors and is readily understood as "the heart of Stoughton";
 - (2) Enhance the social and economic viability of Stoughton's Center by preserving property values and promoting the attractiveness of Stoughton's Center as a place in which to live, work, visit and shop;
 - (3) Preserve and enhance Stoughton Center's cultural, economic and historic resources;
 - (4) Promote and encourage building design and building alterations that are compatible with the existing physical environment and are of superior quality or appearance; and
 - (5) Promote flexibility and variety in future development to enhance the natural and aesthetic qualities of Stoughton Center.
- B. Administrative procedures.
 - (1) All applications made pursuant to the SCMUOD Bylaw shall be subject to design

review by the SPGA in accordance with the following Design Review Standards and the supporting Stoughton Center Design Review Guidelines. The Stoughton Center Design Review Guidelines shall be made available to anyone upon request.

- (2) Design review procedures shall follow all relevant site plan approval procedures within the current Stoughton Site Plan Review Bylaw^{EN(54)} and shall also include the following:
 - (a) The SPGA shall consult with all other relevant Town boards, commissions and societies prior to making a determination on an application. The SPGA may request the Stoughton Historical Society provide input relative to the historic significance of structures in areas proposed for redevelopment under the SCMUOD Bylaw.
 - (b) The applicant shall submit 12 copies of all plans, elevations and illustrations that require design review to the members of the SPGA. The SPGA may require submission of a scale model of the proposed development to assess the impacts of the proposal.
- C. Design review standards. New buildings shall be of a design similar or complementary to the historic architecture in Stoughton Center in terms of scale, form, massing, roof shape, spacing and exterior materials. The following design review standards are intended to provide for quality development that maintains a sense of history, human scale and pedestrian-oriented village character.
- (1) Scale.
 - (a) Buildings shall relate well to the pedestrian scale by:
 - [1] Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces;
 - [2] Articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs or other articulating features.
 - (b) Continuous length of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.
 - (2) Entrances.
 - (a) For visibility and accessibility, all primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk and shall have an entrance directly accessible from the sidewalk.

- (b) Doors shall not extend beyond the exterior facade into pedestrian pathways.
 - (c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at nighttime.
- (3) Architectural details: existing historic buildings. If a proposed development includes alteration of or addition to an existing historic building, the change shall employ materials, colors, and textures as well as massing, size, scale and architectural features which show consideration for the original structure. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic building shall be preserved whenever possible.
- (4) External materials and appearance.
- (a) Except for windows and minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal.
 - (b) Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 50% of the facade surface.
 - (c) Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a nonmetallic finish.
- (5) Roof form.
- (a) New construction, including new development above existing buildings, may incorporate any form of flat or pitched roof, but such roofs shall be complementary to the roofs of historic buildings in the SCMUOD.
 - (b) Flat roofs shall be concealed with parapets along all street frontages and shall not include scuppers or downspouts that outlet above ground level directly into any pedestrianways.
 - (c) Mechanical equipment shall be screened, organized and designed as a component of the roofscape and not appear to be a leftover or add-on element.
- (6) Signs.
- (a) All signs and awnings shall conform to the maximum area, height, number, setback and illumination requirements as set forth in the current Stoughton zoning bylaws.^{EN(55)}
 - (b) Flashing signs, moving signs, and roof signs are not permitted.

- (c) Signs shall be externally lit from the front. Back lighting of signs is prohibited.
- (7) Service areas, utilities and equipment. Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.
- (8) Parking structures. To the extent reasonably feasible, all parking structures shall meet the following design criteria:
 - (a) Where parking structures front streets, retail and other nonresidential uses shall be encouraged along the ground level frontage to minimize interruptions in pedestrian interest and activity.
 - (b) Pedestrian-scale elements, awnings, signage and other architectural details and elements (such as adequate landscaping, openings, sill details, emphasis on vertical proportions) and other architectural features shall be incorporated into the design to establish pedestrian scale at the street. The architectural design shall be compatible with existing historic buildings within the immediate vicinity of the site and within the SCMUOD in terms of style, mass, scale, material, height, and other exterior elements.
 - (c) Auto entrances shall be located to minimize pedestrian/auto conflicts.
- (9) Sustainable building design. New buildings constructed in the SCMUOD after the date of passage of this bylaw shall comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council, to the extent that is feasible for a developer.
- (10) Sustainable site design. The SPGA shall encourage the use of the latest best management practices for stormwater management such as low-impact development (LID). This may include the use of rooftop landscaping on buildings that have a flat roof.

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Use Regulations**

Table of Use Regulations

Town of Stoughton

Table of Use Regulations

KEY:

P = Uses permitted by right

S = Uses permitted by special permit

– = Not permitted

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
RESIDENTIAL [Amended 3-1-1971 TM, Art. 40; 6-10-1974 TM, Art. 3; 6-23-1975 TM, Art. 16; 1-17-1977 TM, Art. 17; 3-1-1977 TM, Art. 41; 4-24-1978 TM, Art. 53; 4-29-1985 TM, Art. 5; 11-12-1996 TM, Art. 7; 11-12-1996 STM, Art. 9]										
1. One-family detached dwelling	—	P	P	P	P	—	—	—	—	—
2. Two-family dwelling	P	S	—	—	—	—	—	—	—	—
3. Multifamily dwelling, provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms	P	—	—	—	—	S	—	—	—	—
4. Cluster residential development (see § 200-69)	—	—	—	S	S	—	—	—	—	—
5. Planned unit development (see § 200-70)										
6. Conversion of existing (as of September 8, 1970) dwelling structure to multifamily dwelling, provided the total number of units in the converted dwelling structure shall not exceed four dwelling units	P	S	—	—	—	S	S	—	—	—

7. Planned multifamily development, provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms	P	—	—	—	—	S	—	—	—	—
8. Housing for the elderly and congregate housing constructed under the provisions of Chapter 667, Acts of 1954, and Chapter 689, Acts of 1974, and amendments thereto, of the Commonwealth of Massachusetts	P	S	S	—	—	—	S	—	—	—
9. Conversion of existing nonresident structures to multifamily structures containing five or more dwelling units (see § 200-74)	S	—	—	—	—	—	—	—	S	—

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
COMMUNITY FACILITIES [Amended 10-27-1975 TM, Art. 7; 4-24-1978 TM, Art. 53; 4-28-1980 TM, Art. 1; 6-23-1975 TM, Art. 7; 6-23-1975 TM, Art. 16; 12-6-1982 STM, Art. 24; 12-6-1982 TM, Art. 25; 5-4-1992 TM, Art. 37]										
1. Church or other religious purpose	P	P	P	P	P	P	P	P	P	P
2. Educational purpose which is religious, sectarian, denominational or public	P	P	P	P	P	P	P	P	P	P
3. Public park, conservation area and preserved open spaces including areas for passive recreation, but not including active recreational facilities	P	P	P	P	P	P	P	P	P	P
4. Nonprofit recreational facility, not including a membership club	P	P	P	P	P	—	—	—	—	—
5. Nonprofit country, hunting, fishing, tennis, or golf club without a liquor license; a nonprofit golf club with or without a liquor license	—	—	S	S	S	—	—	—	—	—
6. Nonprofit day camp or other nonprofit camp	—	—	S	S	S	—	—	—	—	—
7. Town building except equipment garage	P	P	P	P	P	—	P	P	P	P
8. Town cemetery, including any crematory therein	P	P	P	P	P	—	P	P	P	P
9. Historical association or society	P	P	P	P	P	P	P	P	P	P
10. Hospital	—	—	S	S	S	—	—	—	—	—
11. Nursing, rest or convalescent home	—	S	S	S	S	—	—	—	—	—
12. Street, bridge, railroad haul lines	P	P	P	P	P	P	P	P	P	P
13. Town equipment garage	—	—	—	—	—	—	P	—	P	P

14. Public utility except power plant, sewage treatment plant, and refuse facility	P	P	P	P	P	—	P	P	P	P
15. Power plant, and sewage treatment plant, provided that it not be located within an aquifer protection area	—	P	—	—	—	—	—	—	—	P
16. Essential services	P	P	P	P	P	P	P	P	P	P
17. Underground storage of fuel oil for distribution for heating of residences and buildings	P	P	P	P	P	P	P	P	P	P
18. Municipal refuse transfer station, provided that it not be located within an aquifer protection area	—	—	—	—	—	—	—	—	—	P

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
AGRICULTURAL [Amended 6-23-1975 TM, Art. 16; 4-25-1977 TM, Art. 47]										
Note: Paragraphs 1, 2, 3, 6, and 7 apply only to parcels of land five acres or less. On parcels of land over five acres, agriculture, horticulture and floriculture are permitted in all zones, subject only to approval by the Board of Health under MGL c. 111, § 155.										
1. Agriculture, horticulture, and floriculture except for a greenhouse or stand for retail sale	P	P	P	P	P	—	P	—	P	P
2. Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products	—	—	—	—	—	—	S	—	P	P
3. Temporary (not to exceed erection or use for a period exceeding three months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises	—	—	S	S	S	—	S	S	S	S
4. Raising and for keeping of livestock, horses, and poultry, not including the raising of swine or fur animals, with the approval of the Board of Health under MGL c. 111, § 155	—	S	S	S	S	—	—	—	—	—
5. Commercial stables, commercial kennels, veterinary hospital or other commercial establishments in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	—	—	—	—	—	—	S	—	S	—
6. Noncommercial forestry and growing of all vegetation	P	P	P	P	P	—	P	P	P	P
7. Commercial forestry (see Article XIII)	—	—	—	S	S	—	—	—	—	S

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
RETAIL AND TRADE [Amended 4-29-1974 TM, Art. 38; 4-28-1975 TM, Art. 42; 6-23-1975 TM, Art. 16 and 17; 4-24-1978 TM, Art. 53, 54 and 55; 4-25-1983 TM, Art. 36 and 43; 4-25-1983 STM, Art. 43; 4-30-1991 TM, Art. 15; 11-12-1996 STM, Art. 10; 2-12-2001 STM, Art. 8]										
1. Retail establishment selling principally convenience goods, including but not limited to: food, drugs and proprietary goods	—	—	—	—	—	P	P	P	P	—
2. Retail establishment selling general merchandise, including but not limited to dry goods, apparel, and accessories, furniture and home furnishings, home equipment, small wares, and hardware, and including discount and limited-price variety stores	—	—	—	—	—	P	P	P	P	—
3. Eating and drinking places (including alcoholic beverages), not including drive-in establishments or fast-order food establishments	—	—	—	—	—	P	P	S	P	S
4. Drive-in eating establishments	—	—	—	—	—	—	—	—	P	—
4a. Fast-order food establishments	—	—	—	—	—	—	—	—	S	—
4b. Fast order food establishments	—	—	—	—	—	S	S	—	S	—
5. Sales by vending machines as a principal use	—	—	—	—	—	—	—	—	P	—
6. Establishment selling new or new and used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles and household trailers	—	—	—	—	—	—	—	—	P	—
7. Hotels and motels	—	—	—	—	—	—	—	—	P	S
8. Lodging house	S	—	—	—	—	—	S	—	S	—
9. Personal and consumer service establishment	—	—	—	—	—	P	P	P	P	—

10. Funeral establishment	S	S	—	—	—	—	P	P	P	—
11. Membership club	—	—	—	—	—	S	P	S	P	S
12. Professional and business offices and services	—	—	—	—	—	P	P	P	P	P
13. Automotive repair, automobile service station or garage, including the sale of gasoline (not including a junkyard or open storage of abandoned automobiles or other vehicles), provided that it not be located within an aquifer protection area	—	—	—	—	—	—	—	—	S	S
14. Temporary business use of trailer during time of construction	P	P	P	P	P	P	P	P	P	P
15. Miscellaneous business or repair services	—	—	—	—	—	P	P	P	P	—

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
RETAIL AND TRADE (cont'd)										
16. Motor vehicle, machinery or other junkyard, provided it shall be screened from outside view by an enclosed solid fence or wall and gate at least 12 feet in height or by natural or topographic features, and provided that it not be located within an aquifer protection area	—	—	—	—	—	—	—	—	S	S
17. Motion-picture establishment, outdoor	—	—	—	—	—	—	—	—	S	S
18. Motion-picture establishment, indoor	—	—	—	—	—	P	P	P	P	—
19. Other amusement and recreation service, outdoor	—	—	—	—	—	S	—	—	P	S
20. Other amusement and recreation service, indoor	—	—	—	—	—	S	S	S	P	—
21. Communications and television tower	S	S	S	S	S	—	S	S	S	S
22. Commercial parking lot or structure (see Article IX)	—	—	—	—	—	S	S	S	S	S
23. Filling of water, wet area or depression (see § 200-68)	S	S	S	S	S	—	S	S	S	S
24. Planned business development (see § 200-70)	—	—	—	—	—	—	S	S	S	S
25. Construction of drainage facilities other than essential services or damming up or relocating any watercourse, water body, or wetlands	S	S	S	S	S	S	S	S	S	S
26. Trade, professional or other school conducted as a private gainful business, excluding noisy accessory uses and animals	—	—	—	—	—	P	P	P	P	P

27. Day nursery, nursery school, kindergarten or other agency giving day care to children, providing outdoor play area is at such a distance and so screened from any lot line and from any residential structure on an adjoining lot as to avoid a noise nuisance	—	—	—	—	—	—	S	S	—	—
28. Adult entertainment establishments (see § 200-76)	—	—	—	—	—	S	—	—	—	—
29. Body piercing, massage, except in the case of massage, as an accessory use in association with a gym or sports facility, or medical practice, or weight room or training facility or swimming pool	—	—	—	—	—	—	—	—	S	—
30. Tattoo parlors	—	—	—	—	—	—	—	—	S	—

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
WHOLESALE, TRANSPORTATION AND INDUSTRIAL [Amended 6-23-1975 TM, Art. 16; 6-20-1977 TM, Art. 3; 4-24-1978 TM, Art. 53; 4-30-1979 TM, Art. 25 and 28; 4-27-1981 TM, Art. 51 and 52; 4-26-1982 ATM, Art. 49; 4-27-1982 TM, Art. 50]										
1. Removal of sand, gravel, quarry, or other raw material (see § 200-67)	—	—	—	S	S	—	—	—	S	S
2. Processing and treating of raw materials, including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding, and milling operations (see § 200-66)	—	—	—	—	—	—	—	—	S	S
3. Construction industry including suppliers	—	—	—	—	—	—	—	—	S	P
4. Manufacturing (see § 200-73)	—	—	—	—	—	—	—	—	P	P
5. Laundry or dry-cleaning plant	—	—	—	—	—	—	—	—	S	P
6. Bakery, including the sale of bakery products on the same premises	—	—	—	—	—	S	P	S	P	P
7. Railway express service	—	—	—	—	—	—	—	—	S	P
8. Truck terminal, with or without warehousing of freight	—	—	—	—	—	—	—	—	S	P
9. Bus or railroad passenger terminal	—	—	—	—	—	—	P	P	P	P
10. Heliport, subject to the design criteria and standards of the Federal Aviation Administration as published in "Heliport Design Guide" November 1969, or any later revision thereto	—	—	S	S	S	—	—	—	S	P
11. Other transportation service	—	—	—	—	—	S	S	S	S	S

12. Wholesale trade and distribution, including lumber, fuel, feed, and ice and accessory storage of products	—	—	—	—	—	—	—	—	P	P
13. Open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment, provided it shall be screened from outside by an enclosed solid fence and gate at least 10 feet in height, or a solid wall of evergreens of vertical habit when planted not more than three feet apart and at least six feet in height, and a solid gate at least 10 feet in height and not more than 20 feet in width	—	—	—	—	—	—	S	—	S	P

Principal Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
WHOLESALE, TRANSPORTATION AND INDUSTRIAL (cont'd)										
14. Research offices or establishments devoted to research and development activities	—	—	—	—	—	S	—	—	S	P
15. Planned industrial development (see § 200-71)	—	—	—	—	—	—	—	—	S	S
16. Printing and publishing, provided the gross floor area does not exceed 6,000 square feet	—	—	—	—	—	S	P	—	P	P
17. Printing and publishing with the gross floor area in excess of 6,000 square feet	—	—	—	—	—	—	—	—	—	P
18. Waste disposal facilities, including incinerators, transfer stations and resource recovery facilities	—	—	—	—	—	—	—	—	—	—
19. Hazardous waste facilities for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal of hazardous wastes	—	—	—	—	—	—	—	—	—	—
20. Chemical plant for manufacturing, combining, storage or distribution of chemicals	—	—	—	—	—	—	—	—	—	—
21. Radioactive waste disposal for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste	—	—	—	—	—	—	—	—	—	—

Accessory Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
ACCESSORY USES [Amended 6-23-1975 TM, Art. 16 and 18; 4-24-1978 TM, Art. 53, 56 and 59; 4-30-1979 TM, Art. 31, 32 and 36; 4-25-1983 TM, Art. 40; 10-3-1983 TM, Art. 31; 1-6-1986 STM, Art. 6; 4-28-1986 TM, Art. 21; 1-15-1987 STM, Art. 3; 4-27-1987 ATM, Art. 63]										
1. Home occupation (see § 200-72)	S	S	S	S	S	—	P	P	P	S
1a. Telephone use for business and subject to conditions listed in § 200-72H	P	P	P	P	P	P	P	P	P	P
2. Private day nursery or kindergarten, provided it shall not occupy more than 40% of the gross floor area of the structure and there shall be a minimum of 100 square feet of outside play area for each enrolled child	S	S	S	S	—	—	—	S	—	—
3. Accessory professional office of a licensed medical or dental practitioner, lawyer, professional engineer or professional architect in an existing dwelling	P	P	S	S	S	P	P	P	P	—
4. Accessory building such as a private garage, playhouse, greenhouse, tool shed, private swimming pool, or similar accessory structures, subject to provisions of Article VII	P	P	P	P	P	—	P	P	P	—
5. Accessory private garage for not more than three non-commercial motor vehicles. Except on a farm, not more than one noncommercial motor vehicle may be 3/4 ton or more rated in size, subject to provisions of Article VII	P	P	P	P	P	P	P	P	P	P
5a. Accessory storage of commercial vehicles which are more than 3/4 ton rated in size	—	—	—	—	—	S	S	S	P	P

<p>6. Accessory storage of a trailer, unregistered automobile or boat, provided it shall either be stored within a principal or accessory building or not less than 25 feet from any front lot line or within the side yards and it shall not be used for dwelling or sleeping purposes, and further, provided the number stored at any one time shall be limited to two trailers, one unregistered automobile and two boats</p>	P	P	P	P	P	P	P	P	P	P	P
--	---	---	---	---	---	---	---	---	---	---	---

Accessory Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
ACCESSORY USES (cont'd)										
7. Accessory repair and storage facilities in any retail sales or consumer establishment, provided it shall not occupy more than 25% of the gross floor area	—	—	—	—	—	P	P	P	P	—
8. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use, provided it shall be screened from outside view by an enclosed solid fence or wall and gate at least 10 feet in height or a solid wall of evergreens when planted not more than three feet apart and at least six feet in height and a solid gate at least 10 feet in height and not more than 20 feet in width	—	—	—	—	—	—	S	—	S	P
9. Accessory manufacturing use, provided it shall not occupy more than 25% of the gross floor area of the building; and it shall not be located within 100 feet of any R District or within 50 feet of any street lot line (see § 200-73)	—	—	—	—	—	—	—	—	—	P
10. Newsstand, barber shop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office, or industrial building, hospital containing more than 50 sleeping rooms, or transportation terminal facility	—	—	—	—	—	—	P	P	P	P

11. Up to three lodging units in an existing dwelling	P	P	—	—	—	—	S	S	S	—
12. Accessory signs, subject to the provisions of Article VIII	P	P	P	P	P	P	P	P	P	P
13. Accessory off-street parking and loading spaces as required in Article IX	P	P	P	P	P	P	P	P	P	P
14. Accessory gas storage and pumping facilities for use by the principal use and not as a separate business	—	—	—	—	—	—	S	S	P	P

Accessory Uses	Residential					Business				Industrial
	R-M	R-U	R-C	R-B	R-A	CBD	GB	NB	HB	I
ACCESSORY USES (cont'd)										
15. The raising and keeping of livestock, horses and poultry as an accessory use not including the raising of swine or fur animals with the approval of the Board of Health under MGL c. 111, § 155	S	S	S	S	S	—	S	S	S	S
16. Filling of water, wet area or depression (see § 200-68)	S	S	S	S	S	S	S	S	S	S
17. Removal of gravel, sand, or other earth material incidental to and in connection with the construction of a building on a lot (see § 200-67E)	S	S	S	S	S	S	S	S	S	S
18. Accessory retail store in an industrial or warehouse building, providing it is selling their own products	—	—	—	—	—	—	—	—	—	S
19. Temporary additional living areas (see § 200-77)	—	S	S	S	S	—	—	—	—	—
20. Accessory professional offices within 100 feet of a hospital, provided it not be located within 50 feet of any abutter's lot line	—	—	P	P	P	—	—	—	—	—
21. Educational purposes expressly: swimming lessons, horseback riding lessons, ceramics lessons, or knitting lessons, subject to the conditions set forth in § 200-72, except Subsection B	S	S	S	S	S	—	—	—	—	—

NOTE: On Zoning Map C, permissive (P) uses under Highway Business (HB) are permissive (P) uses within the General Business (GB) District. Also, those uses that are permitted as an exception by special permit (S) under Highway Business (HB)

are permitted as an exception by special permit (S) within the General Business (GB) District.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART II GENERAL LEGISLATION / Chapter 200, ZONING / Table of
Dimensional and Density Regulations**

Table of Dimensional and Density Regulations

Town of Stoughton

Table of Dimensional and Density Regulations

[Amended 6-23-1975 TM, Art. 19; 6-20-1977 TM, Art. 4; 4-24-1978 TM, Art. 53; 4-30-1979 TM,
Art. 27;

6-17-1981 TM, Art. 16; 10-28-1985 TM, Art. 24; 11-1-1988 TM, Art. 8; 4-24-1989 TM, Art. 42;

11-12-1996 TM, Art. 6; 5-5-1997 TM, Art. 9; 5-3-1999 TM, Art. 1; 5-3-1999 TM, Art. 3]

District	Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Minimum Yards			Maximum Height (feet)	M
						Front (feet)	Side (feet)	Rear (feet)		
R-M	Multifamily apartment house	12,000 per dwelling unit + 2,000 per bedroom per dwelling unit	150	150	80	25	10 (2)	30	40	
	Multifamily row house (townhouse, condominium)									
	Two-family dwelling									
	Any other permitted use		100	100						
RU	Two-family dwelling	35,000	120	120	100	25	15 (1)	40	35	
	Single-family dwelling	25,000	80	80	80	25	15	40	35	
	Any other permitted use	35,000	120	120	80	25	15	40	35	

RC	Any permitted use	40,000	100	100	120	35	15	40	35
RB	Any permitted use	55,000	125	125	140	40	20	40	35
RA	Any permitted use	55,000	150	150	180	40	20	50	35
CBD	Any permitted use	2,500	20	20	75	0	0	10	40
GB	Any permitted use	10,000	50	50	75	15	5	30	40
NB	Any permitted use	10,000	50	50	75	15	5	30	30
HB	Hotel and motel	20,000 + 3,000 per unit	80	80	100	20	15	40	40
	Any permitted use	20,000	80	80	100	20	15	40	85
I	Any permitted use	80,000	125	150	125	25	20	40	40

NOTES:

- (1) One side only for side-by-side dwelling units.
- (2) Semidetached row unit, outside only.
- (3) The requirements of Article IX, § 200-44N shall apply.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / DIVISION 2 - REGULATIONS**

DIVISION 2 - REGULATIONS

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS**

**PART III
BOARD OF SELECTMEN REGULATIONS**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL**

Chapter 205, ACCESS TO TOWN COUNSEL

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton 7-13-1976 (Ch. 179 of the 1983 Code). Amendments noted where applicable.]

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205, ACCESS TO TOWN COUNSEL / § 205-1. Intent.

§ 205-1. Intent.

Town Counsel is a valuable and costly resource of the Town of Stoughton whose services in the Town's behalf must be used intelligently and only when necessary. He is retained by the Board of Selectmen for collective and separate use of its members. He is directly accountable to the Board of Selectmen. His services are available to other Town boards, department heads, committees and commissions at the discretion of the Board of Selectmen. In order to avoid unnecessary and costly use of his services, the Board of Selectmen, by unanimous vote, has adopted the following guidelines, which shall govern access to and the use of Town Counsel by employees of the Town of Stoughton.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205, ACCESS TO TOWN COUNSEL / § 205-2. Direct access.

§ 205-2. Direct access.

A. The Board of Selectmen feels that it and certain department heads and officers of the Town frequently have legal problems and questions of such significance and urgency that their direct access to Town Counsel is required. Accordingly, the following individuals shall have the right to contact Town Counsel directly, in writing, if time and circumstances permit, with respect to significant legal questions involving their areas of responsibility:

- (1) Members of the Board of Selectmen.
- (2) Town Manager.
- (3) Town Clerk.
- (4) Superintendent of Schools.

- (5) Chairman of the Board of Assessors.
- (6) Town Engineer.
- (7) Building Inspector.
- (8) Town Moderator.

B. In addition to the foregoing, the Board of Selectmen is of the belief that certain board and committee Chairmen should also have direct access to Town Counsel, in writing if time and circumstances permit, provided that such Chairmen, in contacting Town Counsel, are acting with authority of a majority of the board or committee of which they are Chairmen. The Chairmen of the following boards are entitled to such direct access:

- (1) Zoning Board of Appeals.
- (2) Planning Board.
- (3) Conservation Commission.
- (4) Finance Committee.
- (5) Board of Health.
- (6) School Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL / § 205-3. Request for access by Town employees.**

§ 205-3. Request for access by Town employees.

The Board of Selectmen recognizes that other Town employees, board or committee members and Town officers (hereinafter referred to as "employees") may, from time to time, require assistance from Town Counsel. All such employees desiring to obtain legal advice, relating to their areas of responsibility or pertaining to Town matters, shall present to the Town Manager or, in the absence of the Town Manager, the Assistant or Acting Town Manager (hereinafter referred to as "Town Manager"), in writing if time and circumstances permit, a request that they be allowed to seek assistance of Town Counsel. The Town Manager shall thereupon make an appointment for such employee to see or talk to Town Counsel at the earliest practicable time.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,**

ACCESS TO TOWN COUNSEL / § 205-4. Access by Town Meeting Representatives.

§ 205-4. Access by Town Meeting Representatives.

Town Meeting Representatives shall have direct access to Town Counsel throughout the period during which a Town Meeting is in session (including any period during which any such Town Meeting is in temporary adjournment) solely with respect to questions involving matters proposed to come before such Town Meeting. All questions submitted to Town Counsel by Town Meeting Representatives, except those submitted on Town Meeting floor, shall be submitted in writing, with a copy to the Board of Selectmen. In addition, Precinct Chairmen may at any time, with the majority vote of their precinct members, seek assistance of Town Counsel with respect to any matters relating to Town Meetings or to their responsibilities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL / § 205-5. Access by citizens.**

§ 205-5. Access by citizens.

Any citizen of the Town shall have the right to ask in writing for the opinion of Town Counsel without the prior consent of the Town Manager or the Board of Selectmen with respect to, and only with respect to, decisions of Town employees in the course of their duties as Town employees adverse to such citizen and pertaining to the right of such citizen to run for public office. However, a citizen may also submit to Town Counsel such other matters directly and adversely affecting such citizen as the Town Manager may, in his discretion, deem appropriate for consideration by the Town Counsel. Any requests denied by the Town Manager may be brought before the Board of Selectmen in writing. The Board of Selectmen will review the request at the first regular meeting following receipt of such writing. In addition to the foregoing, any citizen of the Town shall have the right to submit to the Town Counsel articles to appear on the warrant of any regular or special Town Meeting to assure that the form and substance of such articles comply with the requirements of the law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL / § 205-6. Office consultation.**

§ 205-6. Office consultation.

The Town Counsel will generally be available in the Town Hall one afternoon or morning per week to discuss general legal problems with department heads, employees and committee, commission and board members. Individuals wishing to speak to Town Counsel during these office hours shall be entitled to do so upon appointment through the Town Manager's office if they are among the class of persons who have direct access to Town Counsel as set forth above. Otherwise, their request to consult with Town Counsel during office hours shall be subject to approval of the Town Manager in accordance with the procedures described in § 205-3 above.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL / § 205-7. Lawsuits.**

§ 205-7. Lawsuits.

No lawsuit shall be instituted by any person on behalf of the Town without the approval of the Board of Selectmen, except that in emergency situations where injunctive relief is necessary, those persons who have direct access to Town Counsel may, with the approval of the Town Manager or the Chairman of the Board of Selectmen, authorize the institution of such suit, provided that the factual situation has been described to Town Counsel and Town Counsel has determined that the proposed lawsuit is meritorious and has agreed to institute it.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 205,
ACCESS TO TOWN COUNSEL / § 205-8. Report from Counsel to Selectmen;
requests to be in writing.**

§ 205-8. Report from Counsel to Selectmen; requests to be in writing.

The Town Counsel shall prepare a written report monthly, which he shall submit to the Board of Selectmen. The report shall state in summary form the nature and extent of his activities on behalf of the Town for the month just ended. It shall include a list of those persons who contacted him during such month for legal assistance on behalf of the Town and a brief summary of the nature of his response. It shall be the general policy of the Town that all requests of Town Counsel, wherever time and circumstances permit, shall be submitted to Town Counsel in writing, with a copy to the Board of Selectmen, and Town Counsel shall request such writings whenever possible.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,**

ALCOHOLIC BEVERAGES

Chapter 209, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton 7-28-1981 (Ch. 183 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 59.

Entertainment -- See Ch. 89.

Victualler licenses -- See Ch. 270.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE I, Alcoholic Beverage License Violations**

ARTICLE I, Alcoholic Beverage License Violations

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE I, Alcoholic Beverage License Violations /
§ 209-1. Uniform liquor violation penalties.**

§ 209-1. Uniform liquor violation penalties.

Liquor violation penalties shall be as follows:

- A. First offense: one-day license suspension.
- B. Second offense: five-day license suspension.
- C. Third offense: seven-day license suspension.
- D. Fourth offense: total revocation of license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE I, Alcoholic Beverage License Violations /
§ 209-2. Suspension of licenses.**

§ 209-2. Suspension of licenses.

- A. Any application for transfer of the license in question shall not be granted by the Board during any period of license suspension or revocation.
- B. Suspension days shall be consecutive in all instances.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE I, Alcoholic Beverage License Violations /
§ 209-3. Record of violations.**

§ 209-3. Record of violations.

A permanent record of all violations shall be kept in the Town Clerk's office for a period of two years from the date of the offense. This record shall be considered in all subsequent liquor-related hearings and/or discussions. A statement of each violation shall be sent from the Town Clerk to the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE I, Alcoholic Beverage License Violations /
§ 209-4. Applicability of sentencing guidelines.**

§ 209-4. Applicability of sentencing guidelines.

Notwithstanding any of the foregoing, the uniform liquor violation penalties shall be considered to be guidelines, and shall not be deemed to limit the Board's discretion to apply stricter or more lenient penalties as the Board may deem appropriate.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses**

ARTICLE II, Club Licenses

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-5. Notice of
closing.**

§ 209-5. Notice of closing.

Any licensee intending to close his place of business must notify the Board in writing before such closing, and he shall state in his notice the reason and length of time of such closing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-6. Use of
corporate name; change in corporation managers.**

§ 209-6. Use of corporate name; change in corporation managers.

- A. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.
- B. Corporation managers in licensed places must not be changed until the Board has approved such change.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-7. Assignment of
stock.**

§ 209-7. Assignment of stock.

Assignment of stock in corporation-licensed places for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct business of the licensee; therefore, licensees must notify the Board immediately when the assignee forecloses under such assignment of stock.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-8. Notification of**

court proceedings.

§ 209-8. Notification of court proceedings.

- A. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the bankruptcy laws.
- B. Licensees shall immediately notify the Board of any court proceedings which may affect the status of this license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-9. Disorder,
indecenty and illegal activities prohibited.**

§ 209-9. Disorder, indecenty and illegal activities prohibited.

There shall be no disorder, indecenty, prostitution, lewdness or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-10. On-premises
consumption required.**

§ 209-10. On-premises consumption required.

All alcoholic beverages sold must be opened and consumed on the premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-11. After-hours
sale.**

§ 209-11. After-hours sale.

No member, guest or employee shall be served alcoholic beverages after the legal hour of sale for same.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-12. Prices.**

§ 209-12. Prices.

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited toward the purchase price of any alcoholic beverage.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-13. Use of
licensed premises only.**

§ 209-13. Use of licensed premises only.

No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-14. Inspection of
premises.**

§ 209-14. Inspection of premises.

The licensed premises shall be subject to inspection by the police of the Town of Stoughton and duly authorized agents of the Licensing Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-15. Plan required
prior to renovations.**

§ 209-15. Plan required prior to renovations.

No physical renovations shall be made unless a plan is submitted and approved by the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-16. List of
employees and members.**

§ 209-16. List of employees and members.

A current list of employees and members shall be available upon request of authorized agents of the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-17. Solicitation to
purchase beverages prohibited.**

§ 209-17. Solicitation to purchase beverages prohibited.

No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or nonalcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contract which such may have with a patron to whom they are related by blood or marriage.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-18.
Entertainment.**

§ 209-18. Entertainment.

There shall be no indecent or immoral entertainment on the licensed premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-19. Discrimination
prohibited.**

§ 209-19. Discrimination prohibited.

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to admission or treatment of any person.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-20. Display of
licenses and permits.**

§ 209-20. Display of licenses and permits.

All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-21. Continuation
of complaints or reports.**

§ 209-21. Continuation of complaints or reports.

Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-22. Signaling
devices prohibited.**

§ 209-22. Signaling devices prohibited.

No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,**

ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-23. Closing hours and regulations.

§ 209-23. Closing hours and regulations.

- A. Those establishments having a 1:00 a.m. license to sell alcoholic beverages must have all glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, off the bar, tables or any other place where they may be consumed by any person present, by 1:20 a.m.
- B. No person present on any licensed premises shall be in possession of a glass and/or bottle or other container with alcoholic beverages contained therein for the purpose of consuming same. This also applies to all employees and management personnel. This regulation shall become effective at 1:20 a.m.
- C. All beer bottles, glasses and other containers used to consume alcoholic beverages must be emptied into the bar sinks, or other such facility, within 1/2 hour after the establishment's license to sell alcoholic beverages allows said sales.
- D. All licensed premises must have all patrons off the premises as follows: if licensed until 1:00 a.m., by 1:30 a.m. This regulation applies to all licensed premises except those which are serving hot meals, in which case all patrons must be off premises as follows: by 3:30 a.m. in all cases.
- E. All employees and/or management personnel must be off the licensed premises as follows: if licensed until 1:00 a.m., by 2:15 a.m. This regulation applies to all licensed premises except those which are serving hot meals. Management and/or employee personnel may stay on licensed premises beyond the above time limits under the following conditions:
 - (1) If engaged in cleaning of the establishment.
 - (2) If making emergency repairs.
 - (3) If providing security (guarding) for the premises.
 - (4) If preparing food for the next day's business or opening or closing the business in an orderly manner.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-24. Lighting.**

§ 209-24. Lighting.

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

- A. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of 300 watts of white lighting, not colored or shaded (i.e., if the licensed premises' capacity, as set by the Building Department, is 200 people, a minimum of 600 watts of lighting would be required; if the licensed premises' capacity, as set by the Building Department, is 250 people, a minimum of 750 watts of lighting would be required).
- B. The above-mentioned required lighting must be placed so that the entire area of the licensed premises where patrons may be found will be lighted by said lighting.
- C. This lighting must be used when patrons are leaving the establishment at the end of its period of operation or in a medical or other emergency situation.
- D. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.
- E. This regulation will be enforced by the Building Inspector or any enforcement officer named by the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-25. Right of
Licensing Board to amend regulations.**

§ 209-25. Right of Licensing Board to amend regulations.

The Licensing Board reserves the right to change or to add to the foregoing terms and conditions after notice to the licensee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-26. Authority;
failure to comply.**

§ 209-26. Authority; failure to comply.

These rules and regulations are promulgated under the provisions of MGL c. 138, § 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-27. Posting of
regulations.**

§ 209-27. Posting of regulations.

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE II, Club Licenses / § 209-28. Police details.**

§ 209-28. Police details.

Any function conducted by the licensee on the licensed premises must be covered by a uniformed off-duty police detail to be assigned at the discretion of the Chief of Police. The expense of said detail shall be the responsibility of the licensee. The police detail shall remain on the licensed premises until the function is closed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses**

ARTICLE III, Restaurant All Alcoholic Beverages Licenses

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,**

ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-29. Notice of closing.

§ 209-29. Notice of closing.

Any licensee intending to close his place of business must notify the Board in writing before such closing, and he shall state in his notice the reason and length of such closing.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-30. Use of corporate name; change in corporation managers.

§ 209-30. Use of corporate name; change in corporation managers.

- A. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.
- B. Corporation managers in licensed places must not be changed until the Board has approved such change.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-31. Assignment of stock.

§ 209-31. Assignment of stock.

Assignment of stock in corporation-licensed places for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Board immediately when the assignee forecloses under such assignment of stock.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-32. Notification of court proceedings.

§ 209-32. Notification of court proceedings.

- A. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the bankruptcy laws.
- B. Licensees shall immediately notify the Board of any court proceedings which may affect the status of this license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-33. Disorder, indecency and illegal activities prohibited.**

§ 209-33. Disorder, indecency and illegal activities prohibited.

There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises or any premises connected therewith by an interior communication.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-34. On-premises consumption required.**

§ 209-34. On-premises consumption required.

All alcoholic beverages sold must be opened and consumed on the premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-35. Use of licensed premises only.**

§ 209-35. Use of licensed premises only.

No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-36. Inspection of premises.

§ 209-36. Inspection of premises.

The licensed premises shall be subject to inspection by the police of the Town of Stoughton and duly authorized agents of the Licensing Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-37. Plan required prior to renovations.**

§ 209-37. Plan required prior to renovations.

No physical renovations shall be made unless a plan is submitted and approved by the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-38. Solicitation to purchase beverages prohibited.**

§ 209-38. Solicitation to purchase beverages prohibited.

No employee and/or retainer shall solicit, induce or request a patron to purchase any alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contact which such person may have with a patron to whom they are related by blood or marriage.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209, ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages Licenses / § 209-39. List of employees.**

§ 209-39. List of employees.

A current list of employees shall be available upon request of authorized agents of the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-40. Prices.**

§ 209-40. Prices.

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-41. Discrimination prohibited.**

§ 209-41. Discrimination prohibited.

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-42. Signaling devices prohibited.**

§ 209-42. Signaling devices prohibited.

No devices or electronic equipment shall be utilized by any licensed premises for the purposes of signaling employees that agents of licensing authorities are present.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-43. Display of licenses and certificates.**

§ 209-43. Display of licenses and certificates.

All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-44. Continuation of complaints or reports.**

§ 209-44. Continuation of complaints or reports.

Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-45. Closing hours and regulations.**

§ 209-45. Closing hours and regulations.

- A. Those establishments having a 1:00 a.m. license to sell alcoholic beverages must have all glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, off the bar, tables or any other place where they may be consumed by any person present, by 1:20 a.m.
- B. No person present on any licensed premises shall be in possession of a glass and/or bottle or other container with alcoholic beverages contained therein for the purpose of consuming same. This applies to all employees and management personnel. This regulation shall become effective at 1:20 a.m.
- C. All beer bottles, glasses and other containers used to consume alcoholic beverages must be emptied into the bar sinks, or other such facility, within 1/2 hour after the establishment's license to sell alcoholic beverages allows said sales.
- D. All licensed premises must have all patrons off the premises as follows: if licensed until 1:00 a.m., by 1:30 a.m. This regulation applies to all licensed premises except those which are serving hot meals, in which case all patrons must be off premises as follows: by 3:30 a.m. in

all cases.

- E. All employees and/or management personnel must be off the licensed premises as follows: if licensed until 1:00 a.m., by 2:15 a.m. This regulation applies to all licensed premises except those which are serving hot meals. management and/or employee personnel may stay on licensed premises beyond the above time limits under the following conditions:
- (1) If engaged in cleaning of the establishment.
 - (2) If making emergency repairs.
 - (3) If providing security (guarding) for the premises.
 - (4) If preparing food for the next day's business or opening or closing the business in an orderly manner.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-46. Lighting.**

§ 209-46. Lighting.

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

- A. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of 300 watts of white lighting, not colored or shaded (i.e., if the licensed premises' capacity, as set by the Building Department, is 200 people, a minimum of 600 watts of lighting would be required; if the licensed premises' capacity, as set by the Building Department, is 250 people, a minimum of 750 watts of lighting would be required).
- B. The above-mentioned required lighting must be placed so that the entire area of the licensed premises where patrons may be found will be lighted by said lighting.
- C. This lighting must be used when patrons are leaving the establishment at the end of its period of operation or in a medical or other emergency situation.
- D. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.
- E. This regulation will be enforced by the Building Inspector or by any enforcement officer

named by the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-47. Right of Licensing Board to amend regulations.**

§ 209-47. Right of Licensing Board to amend regulations.

The Licensing Board reserves the right to change or to add to the foregoing terms and conditions after notice to the licensee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-48. Authority; failure to comply.**

§ 209-48. Authority; failure to comply.

These rules and regulations are promulgated under the provisions of MGL c. 138, § 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE III, Restaurant All Alcoholic Beverages
Licenses / § 209-49. Posting of regulations.**

§ 209-49. Posting of regulations.

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses**

ARTICLE IV, Retail Package Store Licenses

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-50. Notice of closing.**

§ 209-50. Notice of closing.

Any licensee intending to close his place of business must notify the Board in writing before such closing, and he shall state in his notice the reason and length of time for such closing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-51. Use of corporate name; change in corporation managers.**

§ 209-51. Use of corporate name; change in corporation managers.

- A. No licensee shall contract bills for his licensed place under any corporate trade name other than that under which he is licensed.
- B. Corporation managers in licensed places must not be changed until the Board has approved such change.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-52. Assignment of stock.**

§ 209-52. Assignment of stock.

Assignment of stock in corporation-licensed places for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Board immediately when the assignee forecloses under such assignment of stock.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-53. Notification of court proceedings.**

§ 209-53. Notification of court proceedings.

- A. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the bankruptcy laws.
- B. Licensees shall immediately notify the Board of any court proceedings which may affect the status of the license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-54. Posting of price list; packaging.**

§ 209-54. Posting of price list; packaging.

Every licensee shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made on the original manufacturer's or wholesaler's and importer's package and at prices stated on the current posted price list.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-55. Inspection of premises.**

§ 209-55. Inspection of premises.

The licensed premises shall be subject to inspection by the police of the Town of Stoughton and duly authorized agents of the Licensing Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §**

209-56. On-premises consumption prohibited.

§ 209-56. On-premises consumption prohibited.

No alcoholic beverages shall be sold to be drunk on the premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-57. Use of licensed premises only.**

§ 209-57. Use of licensed premises only.

No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-58. Delivery hours.**

§ 209-58. Delivery hours.

No delivery of alcoholic beverages shall be made except during the legal hours of sale.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-59. Sunday sales prohibited.**

§ 209-59. Sunday sales prohibited.

Sale of alcoholic beverages shall be prohibited on the licensed premises on Sunday.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-60. List of employees.**

§ 209-60. List of employees.

A current list of employees shall be available upon request of authorized agents of the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-61. Display of licenses and certificates.**

§ 209-61. Display of licenses and certificates.

All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-62. Continuation of complaints and reports.**

§ 209-62. Continuation of complaints and reports.

Any police complaints and/or reports presently on file shall continue in force until disposed of by this Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-63. Discrimination prohibited.**

§ 209-63. Discrimination prohibited.

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,**

**ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-64. Right of Licensing Board to amend regulations.**

§ 209-64. Right of Licensing Board to amend regulations.

The Licensing Board reserves the right to change or to add to the foregoing terms and conditions after notice to the licensee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-65. Authority; failure to comply.**

§ 209-65. Authority; failure to comply.

These rules and regulations are promulgated under the provisions of MGL c. 138, § 23, and any failure to comply with the rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 209,
ALCOHOLIC BEVERAGES / ARTICLE IV, Retail Package Store Licenses / §
209-66. Posting of regulations.**

§ 209-66. Posting of regulations.

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE**

Chapter 254, RULES OF PROCEDURE

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton 3-13-1973, as amended through 8-14-1979. Subsequent amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-1. Election of Chairman and Vice Chairman.**

§ 254-1. Election of Chairman and Vice Chairman.

At the first meeting after the Annual Town Election, there shall be elected from the body a Chairman and Vice Chairman, who shall serve for a period of one year.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-2. Temporary Chairman.**

§ 254-2. Temporary Chairman.

In case of the absence of the Chairman of the Board of Selectmen, the Vice Chairman shall call the meeting to order at the appointed time and place and proceed with the business of the meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-3. Presiding officer leaving chair.**

§ 254-3. Presiding officer leaving chair.

The presiding officer at a meeting may call any other member to take his place in the chair, but the substitution shall not extend beyond adjournment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-4. Division of question.**

§ 254-4. Division of question.

On demand of any member, a question under consideration covering two or more points shall be divided where the question admits of such division.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-5. Town Manager.**

§ 254-5. Town Manager.

The Town Manager shall attend all meetings of the Board of Selectmen unless excused by the Board. He shall keep the Board fully advised as to the financial conditions and the needs of the Town. He may make recommendations to the Board and may take part in discussions on all matter concerning the welfare of the Town. He shall have a seat but no vote in the meetings of the Board of Selectmen, plus any other duties or obligations outlined in the appropriate sections of the Charter.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-6. Meetings.**

§ 254-6. Meetings.

- A. Regular meetings. Regular meetings of the Board will be held in the Town Hall on the second and fourth Tuesday of each month at 8:00 p.m. Whenever the second or fourth Tuesday evening of the month is a holiday, the regular meeting shall be held on the second or fourth Wednesday evening at the same time and place mentioned, unless otherwise provided for by motion. The Board of Selectmen may, by motion, dispense with any regular meeting or change the day, the hour and/or the place of holding any regular meeting.
- B. Special meetings. Special meetings of the Selectmen may be called either by the Chairman or a majority of the Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-7. Notice of special meetings.**

§ 254-7. Notice of special meetings.

Notice of special meetings of the Board of Selectmen shall be given to each of the members of the Board, either by service of a notice to that effect or by personal contact of each of the members of the Board, or reasonable attempt to do so, except in case of an emergency, at least

48 hours before the time of the meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-8. Hearings.**

§ 254-8. Hearings.

Five minutes shall be allowed to each speaker to express his views on the matter being heard by the Board, and no such speaker shall be heard more than once on the matter, unless all others have had an opportunity to speak, without permission of a majority of the Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-9. Suspension of rules; reconsideration.**

§ 254-9. Suspension of rules; reconsideration.

- A. In order to move suspension of the rules, a two-thirds vote of those present is required. When a full Board is present, 2/3 is three members. When three members are present, 2/3 is two.
- B. Reconsideration. In order to move same, this motion can only be made no later than the next regular or special meeting of the Board. Reconsideration can only be moved by someone who voted in the majority or was not present at the time the original motion was not present at the time the original motion was made and carried.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-10. Parliamentary rules.**

§ 254-10. Parliamentary rules.

Any parliamentary rules not specified above, Robert's Rules of Order is to be used as the Board's guide.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 254,
RULES OF PROCEDURE / § 254-11. Amendments to rules.**

§ 254-11. Amendments to rules.

Amendment of any of the foregoing rules may be made by a vote of 2/3 of the full Board of Selectmen. (This means three members.)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS**

Chapter 258, SEWERS

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton as indicated in Part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous waste -- See Ch. 113.
Streets and sidewalks -- See Ch. 162.
Water -- See Ch. 188.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)]**

Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983 Code)]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements**

ARTICLE I, Standards and Requirements

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983**

Code)] / ARTICLE I, Standards and Requirements / § 258-1. Performance of work by licensed contractor required.

§ 258-1. Performance of work by licensed contractor required.

Sewer connection installations in the Town of Stoughton shall be made only by a contractor approved by the Town for this purpose.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-2. Contractor's
insurance.**

§ 258-2. Contractor's insurance.

A. The contractor shall file the following insurance certificates with the Town:

- (1) Liability for bodily injury, including accidental death: \$100,000 for any one person and subject to the same limit for each person and \$300,000 on account of any one accident.
- (2) Liability for property damage: \$50,000 on account of any one accident and \$100,000 on account of all accidents.
- (3) Workmen's compensation insurance as required by the General Laws of Massachusetts.

B. All policies shall be so written that the Town will be notified of cancellation or restrictive amendment at least 15 days prior to the effective date of such cancellation or amendment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-3. Street opening
permit; fee and bond; restoration of surface.**

§ 258-3. Street opening permit; fee and bond; restoration of surface.

The contractor shall obtain a street opening permit for each installation at the Town Manager's office and deposit the sum of \$250 (cash or certified bank check) to insure adequate protection of the individual as far as the repair of the street is concerned; said bond to be released only on final approval from the Superintendent of Public Works. The contractor shall restore the street trench

with at least a temporary patch of bituminous concrete material within 24 hours of backfilling the excavation. Permanent trench patch is to be placed within 30 days of the placement of temporary patch.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-4. Certification of
competence and equipment.**

§ 258-4. Certification of competence and equipment.

The contractor shall certify to the Committee that he has the necessary experience, equipment, manpower, etc., to complete the entire project, including excavation, construction and regrading of the lots. All trenches shall be compacted by a mechanical tamper.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-5. Weekend work
restricted; inspections.**

§ 258-5. Weekend work restricted; inspections.

All work shall be done during the normal working hours of the Town of Stoughton. However, if weekend work is unavoidable, the contractor shall make arrangements, upon the approval of the Town Manager, for an inspector from the Engineering Department to be available on the weekend, with the understanding that the contractor shall pay an inspection fee in advance to the Town if an inspection is required on a weekend. This inspection shall cover the entire backfilling of the trench within the street layout to ensure proper compaction. All unsuitable material, including blacktop and boulders, shall be removed, and clean gravel shall be placed in the trench.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-6. Approved list of
contractors.**

§ 258-6. Approved list of contractors.

No contractor except those on the approved list shall be eligible to do this particular work.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-7. Violations and
penalties.**

§ 258-7. Violations and penalties.

If there is a violation of the requirements, the first violation will mean suspension of the ability to do work for 30 days; the second violation, suspension for 60 days; and the third violation will be suspension for one year from the date of violation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-8. List of materials.**

§ 258-8. List of materials.

All materials used in conjunction with the performance of this work shall be as on a list available at the office of the Town Engineer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-9. Performance bond.**

§ 258-9. Performance bond.

The contractor shall be required to file a performance bond of \$5,000 satisfactory to the Town Manager with the Town of Stoughton for each year in which the license is issued to assure the performance of the above-mentioned requirements.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-10. Town liability.**

§ 258-10. Town liability.

The Town of Stoughton will not be liable for any work connected with the installation, except with the grade and alignment of the sewer. The inspector must see 100% of the sewer service, including the tap into the sewer main.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-11. Payment.**

§ 258-11. Payment.

Any agreement concerning manner of payment shall be between the property owner and the contractor.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983
Code)] / ARTICLE I, Standards and Requirements / § 258-12. Service
connections installed by Town.**

§ 258-12. Service connections installed by Town.

At locations where the sewer service connections have been installed by the Town from the sewer main to the edge of the road, a street opening permit is still required. However, the permit fee of \$250 shall be waived. At such time that the Board of Selectmen agree upon a unit price for the sewer connection stubs, the property owners would then be billed for this portion of their sewer connection.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 1, Sewer Connections [Adopted 4-3-1979 (Ch. 234 of the 1983**

Code)] / ARTICLE I, Standards and Requirements / § 258-13. Forms.

§ 258-13. Forms.

The following forms will be signed by the contractor.

I HAVE READ, UNDERSTAND AND WILL COMPLY WITH THE ABOVE AND ALL APPLICABLE REGULATIONS.

Signature

Date

The above applicant does hereby apply for a license as a "SEWER CONNECTION INSTALLER" in the Town of Stoughton, Massachusetts, said license to expire December 31, 20____.

Experience: _____

Equipment: _____

Signature _____

REVIEW BOARD

Date application reviewed _____

Town Engineer, Chairman

Superintendent of Public Works

Town Sanitarian

Insurance certificates received

Performance bond received

Date _____

Date _____

Approved/Disapproved

Town Manager

Date

License No. _____

Fee Paid _____

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.]**

Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where
applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980**

**(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE II, Definitions**

ARTICLE II, Definitions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE II, Definitions / § 258-14. Terms defined.**

§ 258-14. Terms defined.

A. Unless the context specifically indicates otherwise, the meanings of terms used in these regulations shall be as follows:

BOARD -- The Board of Selectmen, acting as Sewer Commissioners, or its authorized agent.

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN -- That part of the lowest horizontal piping of drainage system which received the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 10 feet outside the inner face of the building wall.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER -- A sewer receiving both surface runoff and sewage.

GARBAGE -- Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.

INDUSTRIAL WASTES -- The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET -- Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

PERSON -- Any individual, firm, company, association, society, corporation, group or

partnership.

pH -- The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking 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 1/2 inch in any dimension.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER -- A sewer which carries sewage and to which storm-, surface and groundwaters are not intentionally admitted.

SEPTAGE -- The liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar receptacle.

SEWAGE -- A combination of the water-carried wastes from residences, businesses, buildings, institutions and industrial establishments, together with such ground-, surface and stormwaters as may be present.

SEWAGE TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or a conduit for carrying sewage.

SLUG -- Any discharge of water, sewage or industrial waste in which concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation.

STORM DRAIN (sometimes termed "STORMED SEWER") -- A sewer which carried storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than uncontaminated cooling water.

SUPERINTENDENT -- The Superintendent of Public Works of the Town of Stoughton or his authorized deputy, agent or representative.

SUSPENDED SOLIDS -- 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.

WATERCOURSE -- A channel in which a flow of water occurs, either continuously or

intermittently.

B. The term "shall" is mandatory; "may" is permissive.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections**

ARTICLE III, Building Sewers and Connections

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-15. Permit required.**

§ 258-15. Permit required.

No unauthorized person shall uncover, make any connections with or opening into or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Sewer Commissioners. 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 Board of Sewer Commissioners at least 45 days prior to the proposed change or connection.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-16. Application for permit;
fees.**

§ 258-16. Application for permit; fees.

There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent

shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board. A permit and inspection fee of \$10 for a residential or commercial building sewer permit and \$20 for an industrial building sewer permit shall be paid in the Town of Stoughton at the time the application is filed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-17. Costs to be borne by
owner; indemnification of Town.**

§ 258-17. Costs to be borne by owner; indemnification of Town.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-18. Separate sewers
required.**

§ 258-18. Separate sewers required.

A separate and independent building sewer shall be provided for every building; except that 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 of the building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-19. Use of old building**

sewers.

§ 258-19. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this regulation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-20. Construction
standards.**

§ 258-20. Construction standards.

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 or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE III, Building Sewers and Connections / § 258-21. Connection location.**

§ 258-21. Connection location.

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 discharged to the building sewer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,**

SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE III, Building Sewers and Connections / § 258-22. Runoff and drainage connections prohibited.

§ 258-22. Runoff and drainage connections prohibited.

No person shall make any connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE III, Building Sewers and Connections / § 258-23. Connection standards.

§ 258-23. Connection standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and material must be approved by the Board or its representative, before installation.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE III, Building Sewers and Connections / § 258-24. Inspection.

§ 258-24. Inspection.

The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board or its representative.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE III, Building Sewers and Connections / § 258-25. Safety precautions; restoration of surface.

§ 258-25. Safety precautions; restoration of surface.

All excavations for building sewer installations 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 Town.

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§ 258-26. Licensing of contractors.

Contractors must be licensed by the Board before performing sewer connection installations in the Town.

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ARTICLE IV, Use of Public Sewers

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ARTICLE IV, Use of Public Sewers / § 258-27. Prohibited discharges.

§ 258-27. Prohibited discharges.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-28. Storm sewers.**

§ 258-28. Storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board, to a storm sewer or natural outlet.

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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-29. Prohibited wastes or substances.**

§ 258-29. Prohibited wastes or substances.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. 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 or constitute a hazard in the receiving waters of the sewage treatment plant.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage

works.

- D. Solids 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-30. Harmful wastes.**

§ 258-30. Harmful wastes.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Board, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to such factors as the quantities of such wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- C. Any garbage that has not yet been properly shredded. The installation and operation of any garbage grinder equipped with motor of 3/4 horsepower or greater shall be subject to the review and approval of the Board.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any wastes exerting an excessive chlorine requirement, to such degree that any such waste received in the composite sewage at the sewage treatment works exceeds the limits

established by the Sewer Board for such materials.

- F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials with exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but 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 sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- K. Metals.
 - (1) Waters or wastes containing amounts of toxic or objectionable metals in excess of the concentrations attainable by acceptable control technology, including but not limited to the following:

Antimony

Arsenic

Barium

Beryllium

Boron

Cadmium

Chromium

Copper

Iron

Lead

Manganese

Mercury

Nickel

Selenium

Silver

Tin

Zinc

- (2) In general, wastes containing the above metals shall be treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than those concentrations allowed by applicable state or federal law.

L. Nonmetals.

- (1) Waters or waste containing amounts of toxic objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including but not limited to:

Ammonia

Cyanides

Herbicides

Pesticides

Phenols

Sulfates

Chlorides

Polychlorinated biphenyls (PCBs)

Sulfides

- (2) In no case, however, shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable state or federal law.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-31. Dilution prohibited.**

§ 258-31. Dilution prohibited.

The attainment of specific levels for discharge to municipal sewers by dilution in the absence of treatment shall be prohibited.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-32. Pretreatment or flow equalization.**

§ 258-32. Pretreatment or flow equalization.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 258-30 of this article and which, in the judgement of the Board, may have a deleterious effect upon sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Board may:
 - (1) Reject the wastes.
 - (2) Require pretreatment over the quantities and rates of discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
- B. If the Board permits the pretreatment or the equalization of waste flows, the design and installation of the plans and equipment shall be subject to the requirements of all applicable codes, regulations and laws.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE IV, Use of Public Sewers / § 258-33. Grease, oil and sand interceptors.

§ 258-33. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sands 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 Board and shall be located so as to be readily and easily accessible for cleaning and inspection.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE IV, Use of Public Sewers / § 258-34. Maintenance of treatment or equalizing facilities.**

§ 258-34. Maintenance of treatment or equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE IV, Use of Public Sewers / § 258-35. Control manhole.**

§ 258-35. Control manhole.

When required by the Board, 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 maintained by him so as to be safe and accessible at all times.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-36. Measurements, tests and analyses.**

§ 258-36. Measurements, tests and analyses.

- A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by a customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.
- B. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE IV, Use of Public Sewers / § 258-37. Disposal of septage.**

§ 258-37. Disposal of septage.

Septage shall be disposed of only at the facility provided by the Town for that purpose and in strict compliance with the rules and regulations for the operation of that facility.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE V, Protection from Damage**

ARTICLE V, Protection from Damage

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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE V, Protection from Damage / § 258-38. Damage to or tampering with
sewers prohibited.**

§ 258-38. Damage to or tampering with sewers prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VI, Powers and Authority of Inspectors**

ARTICLE VI, Powers and Authority of Inspectors

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,**

SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE VI, Powers and Authority of Inspectors / § 258-39. Right of entry on private property.

§ 258-39. Right of entry on private property.

The Board and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this regulation. The Board or its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258, SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980 (Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] / ARTICLE VI, Powers and Authority of Inspectors / § 258-40. Safety rules; liability.

§ 258-40. Safety rules; liability.

While performing the necessary work on private properties referred to in § 258-39 above, the Board or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 258-34.

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§ 258-41. Right of entry on easements.

The Board and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VII, Penalties**

ARTICLE VII, Penalties

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VII, Penalties / § 258-42. Notice of violations.**

§ 258-42. Notice of violations.

Any person found to be violating any provision of these regulations, except Article V, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VII, Penalties / § 258-43. Penalties for offenses.**

§ 258-43. Penalties for offenses.

Any person who shall continue any violation beyond the time limit provided for in § 258-42 shall be guilty of misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$20 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VII, Penalties / § 258-44. Liability for expenses or damages.**

§ 258-44. Liability for expenses or damages.

Any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 258,
SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VIII, Validity and Effect**

ARTICLE VIII, Validity and Effect

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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SEWERS / Part 2, Sewer Use [Adopted 8-22-1978, as amended through 5-27-1980
(Ch. 236 of the 1983 Code). Subsequent amendments noted where applicable.] /
ARTICLE VIII, Validity and Effect / § 258-45. District rules not affected.**

§ 258-45. District rules not affected.

These sewer use rules and regulations shall not contravene nor render ineffective any of the lawfully established rules and regulations of the Metropolitan District Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC**

Chapter 266, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton as amended through 6-21-1993 . Subsequent amendments noted where applicable.]

GENERAL REFERENCES

**Parking -- See Ch. 133.
Peddling and soliciting -- See Ch. 140.
Streets and sidewalks -- See Ch. 162.
Taxicabs -- See Ch. 171.
Abandoned vehicles -- See Ch. 176.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE I, Definitions; Applicability**

ARTICLE I, Definitions; Applicability

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE I, Definitions; Applicability / § 266-1. Terms
defined.**

§ 266-1. Terms defined.

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:

BUS STOP -- An area in the roadway set aside for the boarding of or alighting from and the parking of buses.

CROSSWALK -- That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections, or at any portion of a roadway clearly

indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

EMERGENCY VEHICLE -- Vehicles of the Fire Department, police vehicles, ambulances, and emergency vehicles of federal, state and municipal departments or public service cooperations when the latter are responding to an emergency in relation to the Police or Fire Department.

FUNERAL -- Any procession of mourners, properly identified as such, accompanying the remains of a human body.

INTERSECTION -- The area embraced within the extension of the lateral curblines, or, if none, then the lateral boundary lines of intersecting ways as defined in MGL c. 90, § 1, including divided ways. (Permit #14171)

LANE -- A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER -- For the purpose of these rules and orders, an officer shall be construed to mean any officer, any investigator, examiner or inspector of the Registry of Motor Vehicles, any constable or special officer, provided he has his badge of office displayed over his left breast and upon his outer garment.

OFFICIAL CURB MARKING -- That portion of a curbing, the painting of which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

OFFICIAL STREET MARKING -- Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Board of Selectmen and has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

OFFICIAL TRAFFIC SIGNS -- All signs, markings and devices, other than signals, not inconsistent with these rules and orders and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

PARKING -- The standing of a vehicle, whether occupied or not, otherwise when temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

PEDESTRIAN -- Any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

RAILROAD CROSSING -- Any intersection of ways with a railroad right-of-way.

ROADWAY -- That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

SERVICE AREA -- An area in the roadway set aside for the accommodation of commercial and transient vehicular traffic. (Permit #B-88)

SIDEWALK -- That portion of a street or highway set aside for pedestrian travel.

STREET or HIGHWAY -- The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STANDS -- An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

TRAFFIC -- Pedestrian, ridden or herded animals, vehicles, street cars or other conveyances, either single or together, while using any street or highway for the purpose of travel.

TRAFFIC CONTROL SIGNAL -- Any device using colored lights, which conforms to the standards as prescribed by the Department of Public Works, Commonwealth of Massachusetts, whether manually, electrically, or mechanically operated by which traffic may be alternately directed to stop and proceed. (Permit #11508)

VEHICLE -- Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationery rails or tracks and devices which derive their power for operation from stationery overhead wires. (Permit #14171)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE I, Definitions; Applicability / § 266-2.
Applicability.**

§ 266-2. Applicability.

The rules and regulations herein contained governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals, whether or not such place is an intersection as herein defined.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police**

ARTICLE II, Authority and Duties of Police

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-3.
Directing traffic.**

§ 266-3. Directing traffic.

It shall be the duty of the officers designated by the Chief of Police to enforce the provisions of these rules and orders. 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 rules and orders, 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 rules and orders.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-4.
Temporary closing of streets.**

§ 266-4. Temporary closing of streets.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending emergency, or for any lawful assemblage, demonstration or procession, provided there is reasonable justification for the closing of such street.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-5.
Temporary parking prohibitions.**

§ 266-5. Temporary parking prohibitions.

The Chief of Police is hereby authorized 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, 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.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-6.
Exemptions.**

§ 266-6. Exemptions.

The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-7.
Annual accident report.**

§ 266-7. Annual accident report.

The Chief of Police shall make an annual report concerning the accident situation in the Town, accompanied by his recommendations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-8.
Record of drivers involved in accidents and violations.**

§ 266-8. Record of drivers involved in accidents and violations.

- A. The police shall keep a record of all operators involved in accidents within the municipality.
- B. The Chief of Police shall report to the Registrar of Motor Vehicles such operators as are found to be constant violators of these regulations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE II, Authority and Duties of Police / § 266-9.
Annual traffic safety report.**

§ 266-9. Annual traffic safety report.

The Chief of Police shall include in his report to the Board of Selectmen:

- A. The number of operators reported to the Registrar of Motor Vehicles.
- B. Other pertinent data on safety activities, accompanied by his recommendations.
- C. The plans and recommendations for future traffic safety activities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones**

ARTICLE III, Traffic Signs, Signals, Markings and Zones

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-10. Traffic signs and signals.**

§ 266-10. Traffic signs and signals.

- A. The Board of Selectmen is hereby authorized, and as to those signs and signals required hereunder it shall be its duty, to place, 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.

- B. Sections 266-4 and 266-5 of Article II and §§ 266-18 through 266-26, inclusive, of Article V relating to parking shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers. (Permit #4304)
- C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one sign will be clearly visible for a distance of at least 75 feet to drivers approaching such an exit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-11. Display of unauthorized signs, signals and markings
prohibited.**

§ 266-11. Display of unauthorized signs, signals and markings prohibited.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-12. Interference with signs, signals and markings prohibited.**

§ 266-12. 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 \$20 for each and every offense.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-13. Location of bus stops and taxicab stands.**

§ 266-13. Location of bus stops and taxicab stands.

The location of all bus stops and taxicab stands shall be specified by the Board of Selectmen, and in the case of taxicab stands, the Board of Selectmen shall designate who may use them as such.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-14. Obedience to traffic signs and signals.**

§ 266-14. Obedience to traffic signs and signals.

No driver of any vehicle or of any street car shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend unless otherwise directed by a police officer.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE III, Traffic Signs, Signals, Markings and
Zones / § 266-15. Experimental regulations.**

§ 266-15. Experimental regulations.

For the purpose of trial, the Board of Selectmen may make temporary rules regulating traffic, or test under actual conditions traffic signs, markers or other devices. No such experimental rules relating to traffic shall remain in effect for a period of time longer than 30 days. (Permit #4304)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE IV, Zones of Quiet**

ARTICLE IV, Zones of Quiet

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE IV, Zones of Quiet / § 266-16. Zones of quiet
established.**

§ 266-16. Zones of quiet established.

- A. All of the territory within 200 feet of the premises of each hospital in this Town is hereby created and established as a Zone of Quiet. The Chief of Police 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.
- B. The Board of Selectmen 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 at least one registered physician certifying to its necessity. Said temporary Zone of Quiet shall embrace all territory within a radius of 200 feet of the building occupied by the person named in the request of said physician. Said temporary Zones of Quiet shall be designated by the police placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- C. 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.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE V, Parking**

ARTICLE V, Parking

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-17. General prohibitions.**

§ 266-17. General prohibitions.

No person shall park a vehicle in any of the following places, and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted:

- 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 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 12 inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations. (Permit #12172)
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.
- G. Upon or in front of any private road or driveway.
- H. Upon any street or highway within 20 feet of an intersecting way, except alleys.
- I. In the Town Hall parking lot except for those on official Town business and Town employees. (Permit #91-4)

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-18. Bus stops.**

§ 266-18. Bus stops.

- A. No person shall park a vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon a street within a business district at any place other than a bus stop. The following locations are designated as bus stops:

Name of Street	Side	Location
Washington Street (Permit #B-392)	East	For a distance of 60 feet from its intersection with the north side of Pleasant Street

Name of Street	Side	Location
Washington Street (Permit #B-392)	West	For a distance of 60 feet from its intersection with Porter Street

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-19. Taxicab stands.**

§ 266-19. Taxicab stands.

- A. No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand for a period of time longer than 15 minutes except while actually engaged in loading or unloading, provided that such loading and unloading does not exceed a period of time longer than 1/2 hour.
- B. No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs except while engaged, or while waiting for an opportunity to use a taxicab stand designated for his use. The following locations are designated as taxicab stands:

Name of Street	Side	Location
Freeman Street (Permit #14349)	North	Two taxicabs at the first two parking spaces from Washington Street
Freeman Street (Permit #14349)	South	Three taxicabs at the first three parking spaces from Washington Street

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-20. Time limited in
designated places.**

§ 266-20. Time limited in designated places.

A. One hour. No person shall park a vehicle for longer than one hour at any time, between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and public holidays, in the following described streets or parts thereof:

Name of Street	Side	Location
Canton Street (Permit #12755)	North	From a point 100 feet west of the railroad crossing to the south side of School Street
Canton Street (Permit #12755)	South	From the railroad crossing, west 180 feet
Freeman Street (Permit #4304)	East	In front of the Odd Fellows Hall for a distance of 46 feet
Freeman Street (Permit #4304)	North	For a distance of 325 feet easterly from its intersection with Washington Street
Freeman Street (Permit #4304)	South	For a distance of 64 feet westerly from its intersection with Washington Street
Monk Street (Permit #6-893)	Both	From its intersection with Washington Street to Dale Street
Park Street (Permit #6-115)	East	Between Pleasant and Seaver Street
Park Street (Permit #6-115)	West	From its intersection with Washington Street to the northerly curb of Walnut Avenue
Porter Street (Permit #6-2589)	South	From a point 75 feet from the intersection of Washington Street westerly for a distance of approximately 280 feet
Porter Street (Permit #6-880)	East	From its intersection with Washington Street to Hayden Street

Name of Street	Side	Location
Porter Street (Permit #8963)		In front of Minuchi's block within the area between Pearl and Washington Street on the northerly side of Porter Street
Seaver Street (Permit #7265)	South	From the easterly side of Park Street to the westerly side of Capen Street
Washington Street (Permit #4304)		In front of the Norfolk County Trust Company within the area bounded by Washington Street on the west and Park Street on the east for a distance of 50 feet
Washington Street (Permit #4304)	Both	Northerly direction between Porter Street and Monk Street
Washington Street (Permit #4304)	Both	From Railroad Avenue for a distance of 284 feet southerly from its intersection with Railroad Avenue
Washington Street (Permit #4304)	East	Between Freeman Street and Porter Street
Washington Street (Permit #6-1301)	East	From Monk Street to Lincoln Street
Washington Street (Permit #B-392)	East	Between Pleasant Street and Freeman Street
Washington Street (Permit #4304)	West	Between Wyman Street and Railroad Avenue
Washington Street (Permit #4304)	West	Between Porter Street and Wyman Street
Washington Street (Permit #6-1301)	West	From School Street to Voses Court

B. Two hours. No person shall park a vehicle for longer than two hours at any time between the

hours of 8:00 a.m. and 6:00 p.m., except Sundays and public holidays, in the following described streets or parts thereof:

Name of Street	Side	Location
Pearl Street (Permit #14349)	East	From a point 20 feet northerly of its intersection with Porter Street for a distance of 285 feet
Porter Street (Permit #6-2589)	North	In a westerly direction between Washington Street and the railroad
Porter Street (Permit #6-2589)	South	From its intersection with Washington Street to a point 75 feet westerly and starting at a point 355 feet westerly of its intersection with Washington Street for a distance of 125 feet to the railroad
Porter Street (Permit #6-880)	West	From a point 20 feet easterly of its intersection with Washington Street for a distance of approximately 375 feet
Rose Street (Permit #14349)	Both	Between Porter Street and School Street
Wyman Street (Permit #6-582)	Both	Not including that area in front of 21-29 Wyman Street, westerly direction between Washington Street and the railroad

C. Two hours. No person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 10:00 p.m., except Sundays and public holidays, in the following described streets or parts thereof:

Name of Street	Side	Location
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Name of Street	Side	Location
Wyman Street (Permit #6-582)	North	In front of 21-29 Wyman Street

D. Thirty minutes. No person shall park a vehicle for longer than 30 minutes at any time in the following described streets or parts thereof:

Name of Street	Side	Location
Rose Street (Permit #6-1276)	West	That area in front of the Police Station

E. One hour from 9:00 a.m. to 9:00 p.m. No person shall park a vehicle for longer than one hour at any time between the hours of 9:00 a.m. and 9:00 p.m., except Sundays and public holidays, in the following described streets or parts thereof:

Name of Street	Side	Location
Walnut Avenue (Permit #6-1279)	West	Beginning approximately 123 feet from the junction of Park Street and Walnut Avenue and extending southerly on Walnut Avenue for a distance of approximately 186 feet

F. Fifteen minutes. No person shall park a vehicle for longer than 15 minutes at any time between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and holidays, in the following described streets or parts thereof:

Name of Street	Side	Location
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Name of Street	Side	Location
Pleasant Street (Permit #3117)	Both	From Washington Street to Capen Street
Rose Street (Permit #88-3)	North and south	Between N.E. Telephone Poles #3 and #5
Town Hall Front Driveway (Permit #92-2)		Three spaces before the handicapped parking spaces

- G. Two hours from 6:00 a.m. to 6:00 p.m. No person shall park a vehicle for longer than two hours between the hours of 6:00 a.m. and 6:00 p.m. in the following described streets or parts thereof:

Name of Street	Side	Location
Summer Street	Both	From its intersection with Wyman Street for a distance of 200 feet
Walnut Street	South	From Washington Street to Pole No. 2
Wyman Street	Both	From its intersection with Summer Street for a distance of 200 feet

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-21. Angle parking.**

§ 266-21. Angle parking.

- A. The Board of Selectmen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed. (Permit #4304)
- B. Upon the following streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within 12 inches of the curb and at the

angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four wheels of the vehicle shall be placed wholly within the painted lines provided.

Name of Street	Side	Angle	Location
Freeman Square (Permit #11899)	Northeast	90°	
Freeman Square (Permit #11899)	Southwest	90°	
Freeman Street (Permit #4304)	East	90°	In front of the Odd Fellows Hall for a distance of 46 feet
Washington Street (Permit #4304)		90°	In front of the Norfolk Trust Company within the area bounded by Washington Street on the west and Park Street on the east for a distance of 50 feet
Washington Street (Permit #4304 and #8011)	West	30°	Between Railroad Avenue and Wyman Street, except that there shall be one parking space three feet north from the crosswalk at Railroad Avenue and Washington Street which shall be marked for parallel parking

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-22. Handicapped
parking.**

§ 266-22. Handicapped parking.

The Board of Selectmen shall determine upon what streets handicapped parking shall be designated and shall mark or sign such streets or parts thereof and cause the same to be marked or signed. The following locations are designated for handicapped parking:

Name of Street	Side	Location
Porter Street (Permit #3236)	South	Starting at a point 50 feet southwesterly from the westerly sideline of Pearl Street and running in a southwesterly direction a distance of 20 feet
Rose Street (Permit #93-2)	West	One parking in front of the main entrance to the Police Department
Washington Street (Permit #3233)	West	Starting at a point 300 feet southerly of the intersection with Railroad Avenue and running northerly for a distance of 40 feet

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-23. Prohibited parking.**

§ 266-23. Prohibited parking.

No person shall park a vehicle in any of the following places. Vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted. (Permit #4304)

Name of Street	Side	Location
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Name of Street	Side	Location
Adams Street (Permit #14349)	North	In a westerly direction for a distance of 160 feet from a point 20 feet from its intersection with Pearl Street
Adams Street (Permit #14349)	South	Between Pearl Street and Clapp Street during the hours of 8:00 a.m. and 4:00 p.m. on any school day
Ash Street (Permit #6-111)	North	From its intersection with Cedar Street in an easterly direction for a distance of 700 feet during the hours of 8:00 a.m. to 4:00 p.m. on any school day
Atherton Street (Permit #5401)	East	For a distance of 129 feet with Canton Street during the hours of 8:00 a.m. to 4:00 p.m. on any school day
Avalon Street (Permit #6-1568)	Both	From the intersection of Washington Street for distance of 50 feet
Avalon Street (Permit #88-16)	South	From the corner of Clifford Avenue to the westerly corner of the parking lot
Bennett Drive (Permit #88-1)	East	From its intersection with North Paul Street
Britton Avenue (Permit #93-3)	West	From the intersection of Central Street for approximately 200 feet southerly
Canton Street (Permit #14349)	North	100 feet in a westerly direction from the railroad crossing
Canton Street (Permit #4304)	North	For a distance of 400 feet westerly from its intersection with School Street
Canton Street (Permit #12755)	South	From a point 180 feet westerly of the railroad crossing to the southerly side of School Street

Name of Street	Side	Location
Canton Street (Permit #6-197)	South	From School Street to Atherton Street
Capen Street (Permit #6-1542)	West	Between Pleasant Street and Seaver Street
Capen Street (Permit #6-2427)	East	From Pleasant Street to Seaver Street
Central Street (Permit #6-354)	North and south	From the intersection of Packard Road westerly for a distance of approximately 400 feet
Central Street (Permit #6-255)	North and south	A section 300 feet long, 528 feet easterly from the easterly curb of Pearl Street
Central Street (Permit #62524)	South	From Cushing Street for a distance of approximately 300 feet
Central Street (Permit #6-623)	South	For a distance of approximately 450 feet, from its intersection with Lincoln Street, westerly during the hours of 12:00 midnight to 6:00 a.m.
Central Street (Permit #5401)	South	For a distance of 575 feet easterly from a point 268 feet easterly from its intersection with Simpson Street during the hours of 8:00 a.m. to 4:00 p.m. on any school day.
Evans Drive (Permit #6-2669)	East	From Central Street for a distance of approximately 128 feet to the handicapped parking spaces; westerly side from Central Street for a distance of approximately 144 feet to the chain link fence
Ewing Drive (Permit #6-623)	Both	For a distance of approximately 150 feet northerly from its intersection with Central Street
Freeman Street (Permit #4304)	Both	Adjacent to the island

Name of Street	Side	Location
Freeman Street (Permit #B-88)	North	In front of 34 Freeman Street, a strip of 80 feet
Freeman Street (Permit #9948)	Northwest	From the southwesterly side of Hayden Street to the southwesterly property line of the Central Fire Station
Freeman Street (Permit #4304)	South	For a distance of 229 feet easterly from a point 227 feet easterly of its intersection with Washington Street
French Street (Permit #12906)	East	From Canton Street to Atherton Street
Glen Street (Permit #6-1006)	Both	From Washington Street to the end
Hayden Street (Permit #6115)	East	Entire length from Freeman Street to Porter Street
Kay Way (Permit #6-354)	Both	Entire length
Lake Drive (Permit #6-2151)	Both	From the intersection of West Street for a distance of 600 feet
Lincoln Street (Permit #6-1226)	Both	A distance of 170 feet westerly from Pleasant Street
Lincoln Street (Permit #6-2501)	Both	Between Washington Street and Britton Avenue
Lincoln Street (Permit #6-623)	North	For a distance of approximately 300 feet southerly from its intersection with Central Street during the hours of 12:00 midnight to 6:00 a.m.
Lincoln Street (Permit #87-9)	South	From the island at Walnut Street for a distance of 100 feet towards Pleasant Street
Morton Street (Permit #4304)	West	For a distance of 400 feet southerly from its intersection with Morton Square

Name of Street	Side	Location
Oakwood Avenue (Permit #88-2)	East	Adjacent to the open area above Chemung Hill Field
Page Street (Permit #14349)	Both	In a northerly direction 640 feet from a point 20 feet from its intersection with Turnpike Street
Park Street (Permit #5401)	North	For a distance of 138 feet westerly from its intersection with Ninth Street during the hours of 8:00 a.m. to 4:00 p.m. on any school day
Pearl Street (Permit #6-1394)	Both	From the intersection of Adams Street northerly for a distance of 900 feet during the hours of 8:00 a.m. to 4:00 p.m. on any school day
Pearl Street (Permit #6-690)	East	From a point 20 feet southerly of its intersection with School Street for a distance of approximately 80 feet
Pearl Street (Permit #6-1226)	West	From Pearl Street Place to Lipsky Way
Pearl Street (Permit #6-111)	West	From the northerly side of Porter Street to the southerly side of School Street, except Sundays and holidays
Pearl Street Place (Permit #6-948)	Both	From the intersection of Pearl Street a distance of 110 feet
Pierce Street (Permit #5401)	South	For a distance of 175 feet easterly from a point 200 feet easterly of its intersection with Walnut Street during the hours of 8:00 a.m. to 4:00 p.m. on any school day
Pleasant Street (Permit #9028)	Both	From the easterly side of Prospect Street to the westerly side of Grove Street

Name of Street	Side	Location
Pleasant Street (Permit #10520)	North	For a distance of 247 feet easterly from its intersection with Washington Street
Pleasant Street (Permit #6-1278)	South	For a distance of 42 feet from its intersection with Park Street
Railroad Avenue (Permit #6-2560)	Both	From its intersection with Washington Street and the entire length between the hours of 8:00 a.m. and 6:00 p.m.
Rose Street (Permit #6-663)	West	From Porter Street for a distance of approximately 75 feet
School Street (Permit #6-696)		Between Canton Street and the driveway of the Immaculate Conception Church on the church side of the street
School Street (Permit #11899)	North and south	From the westerly side of Washington Street to the easterly side of Pearl Street
School Street (Permit #6-1222)	South	For a distance of approximately 150 feet from its intersection with Water Street
School Avenue (Permit #6-197)	West	From School Street to the southerly curb of Summer Street
Seaver Street (Permit #6-637)	North	From its intersection with Prospect Street to Park Street in an easterly direction
Sharon Street (Permit #6-115)	Both	From the intersection of Central Street to the intersection of Bay Road
Stoddard Street (Permit #5401)	South	For a distance of 61 feet westerly from its intersection with Atherton Street during the hours of 8:00 a.m. and 4:00 p.m. on any school day

Name of Street	Side	Location
Summer Street (Permit #6-143)	North	For a distance of 238 feet more or less northwesterly from its intersection with Wyman Street
Summer Street (Permit #90-4)	Southeast	From the intersection of School Street to the intersection of School Avenue
Sumner Street (Permit #6-1820)	Both	In front of the Goddard Hospital from Benson Road to Daly Drive
Sumner Street (Permit #13986)	Both	Between Park Street and Gay Street
Tenth Street (Permit #6-693)	North	For a distance of 200 feet from its intersection with Park Street
Tenth Street (Permit #6-693)	South	For a distance of 76 feet from its intersection with Park Street
Thomas Street (Permit #12118)	South	For a distance of 200 feet westerly from its intersection with Washington Street
Turnpike Street (Permit #E-6 285-2784) [Added 2-21-1984]	Both	From Central Street to Green Drive
Walnut Street (Permit #5401)	East	For a distance of 233 feet southerly from a point 106 feet southerly from its intersection with Pierce Street during the hours of 8:00 a.m. and 4:00 p.m. on any school day
Walnut Street (Permit #6-26)	North	A section 15 feet long 245 feet easterly from the easterly curb of Capen Street
Walnut Street (Permit #B-619)	South	From its intersection with Park Street to its intersection with Capen Street
Washington Street (Permit #6-2474)	Both	Between Monk Street and Lincoln Street

Name of Street	Side	Location
Wyman Street (Permit #4304)	South	For a distance of 200 feet westerly from its intersection with Summer Street

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-24. Prohibited parking -
Sundays only.**

§ 266-24. Prohibited parking - Sundays only.

No person shall park a vehicle on Sundays only in any of the following locations:

Name of Street	Side	Location
Cushing Street (Permit #6-155)	North	From School Street to Pearl Street Place between the hours of 7:00 a.m. and 1:00 p.m.
Pleasant Street (Permit #14349)	South	From the easterly side of Capen Street to the westerly side of Chestnut Street between the hours of 8:00 a.m. and 1:00 p.m.
School Street (Permit #14349)	South	From the easterly side of School Avenue to the intersection of Summer Street between the hours of 8:00 a.m. and 1:00 p.m.
South Street (Permit #12755)	North and south	A distance of 510 feet easterly from Park Street

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all night.

§ 266-25. Prohibited parking - all night.

- A. It shall be unlawful for the driver of any vehicle other than one acting in an emergency to park said vehicle on any street or any municipal off street parking area for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. of any day from December 1 to April 1. (Permit #B-1160)
- B. It shall be unlawful for the owner or driver of any vehicle greater than one-ton capacity to park said vehicle on any street in the Town between the hours of 12:00 midnight and 6:00 a.m. (Permit #92-1)
- C. It shall be unlawful for the owner or driver of any motor home, truck with attached camper or trailer to park on any street in the Town between the hours of 12:00 midnight and 6:00 a.m. (Permit #92-3)

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VEHICLES AND TRAFFIC / ARTICLE V, Parking / § 266-26. Resident parking.**

§ 266-26. Resident parking.

The following described streets or parts thereof are restricted to parking for residents only:

Name of Street	Side	Location
Blackstone Street (Permit #88-13)	West	In front of house numbers 50, 56 and 68
Drake Avenue (Permit #88-12)	Both	From Drake Avenue to French Street
Plain Street (Permit #EB-285-5384)	Both	From #27 to #78
Summer Street (Permit #90-3)	Northwest	From its intersection with School Street for 134 Summer Street and rear of 176 School Street

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172)**

ARTICLE VI, Tow-Away Zones (Permit #12172)

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-27. General provisions.**

§ 266-27. General provisions.

In accordance with the provisions of MGL c. 40, § 22, the Board of Selectmen of the Town of Stoughton hereby enact the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the Town of Stoughton. Vehicles specifically exempt by Chapter 322 of the Acts of 1961^{EN(56)} shall not, however, be subject to such removal.

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-28. Enforcement.**

§ 266-28. Enforcement.

The moving or towing of any vehicle under the provisions of this article shall be by and at the direction of the Chief of Police or other such officer(s) of the rank of Sergeant or higher as he may from time to time designate.

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-29. Fees.**

§ 266-29. Fees.

The Board of Selectmen hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this article, the following fees:

A. Removal or towing fee: not to exceed \$12. (Permit #B-486)

B. Storage fees:

(1) Not to exceed \$2 for any twenty-four-hour period.

(2) Not to exceed \$1.50 for any period less than 24 hours.

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-30. Liability for damage during removal or storage.**

§ 266-30. Liability for damage during removal or storage.

The contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal or storage.

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-31. General prohibition towing zones.**

§ 266-31. General prohibition towing zones.

No person shall stand or park or allow, permit or suffer any vehicles registered in his name to stand or park in any of the following places. Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the Police Department, and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage if any, as set forth in § 266-29 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in MGL c. 90, § 20A.

A. Upon any way in such a manner as to impede the removal or plowing of snow or ice.

- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon any way within 20 feet to an intersecting way except alleys.
- E. On the roadway side of any vehicle stopped or parked at the edge or curb of the way.
- F. In front of a public or private driveway.
- G. Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.
- H. In the Town Hall parking lot except for those on official business and Town employees.
(Permit #91-4)
- I. In all unmarked spaces in the commuter rail parking lots. (Permit #93-1)

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-32. Parking prohibitions.**

§ 266-32. Parking prohibitions.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth. Vehicles found in violation of the provisions of this section, except those specifically exempted by law, shall be removed to a convenient place under the direction of an officer of the Police Department, and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in § 266-29 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in MGL c. 90, § 20A.

Name of Street	Side	Location
Bus stops		In any bus stop
Evans Drive (Permit #2793)	East	From Central Street for a distance of approximately 128 feet to the handicapped parking spaces

Name of Street	Side	Location
Evans Drive	West	From Central Street for a distance of approximately 144 feet to the chain link fence
Pearl Street (Permit #B-620)	West	Between Porter Street and School Street

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-33. Official traffic signs.**

§ 266-33. Official traffic signs.

The provisions of § 266-32 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "TOW AWAY ZONE" are installed, erected, maintained and located so as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of parking prohibition signs.

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VEHICLES AND TRAFFIC / ARTICLE VI, Tow-Away Zones (Permit #12172) / §
266-34. Records of towed vehicles.**

§ 266-34. Records of towed vehicles.

The Police Department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one year and shall contain the following information:

- A. The registration of the vehicle.
- B. The location from which it was towed and time and date of tow order.
- C. The location to which it was moved.
- D. The fee charged for towing.

- E. The name of the towing contractor, if any.
- F. The name and rank of the officer who authorized the towing.

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266-35. Commuter rail parking lots. (Permit #93-1)**

§ 266-35. Commuter rail parking lots. (Permit #93-1)

- A. All off-street parking areas in the Town designated for commuter rail parking.
- B. All parking will be in designated spaces and will be at the daily fee established by the MBTA for commuter rail parking. There will be no parking fee for Saturdays, Sundays and holidays.
- C. Vehicles parked in the unmarked spaces in the commuter rail lots will be towed in accordance with Article VI, § 266-31, of this chapter.

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VEHICLES AND TRAFFIC / ARTICLE VII, Parades and Processions**

ARTICLE VII, Parades and Processions

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VEHICLES AND TRAFFIC / ARTICLE VII, Parades and Processions / § 266-36.
Permit required.**

§ 266-36. Permit required.

No procession or parade containing 200 or more persons or 50 or more vehicles, except the forces of the United States Army or Navy, the military forces of the Commonwealth of Massachusetts and the forces of the Police and Fire Departments, shall occupy march or proceed along any way except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

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VEHICLES AND TRAFFIC / ARTICLE VIII, One-Way Streets**

ARTICLE VIII, One-Way Streets

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VEHICLES AND TRAFFIC / ARTICLE VIII, One-Way Streets / § 266-37. One-way
streets designated.**

§ 266-37. One-way streets designated.

Upon the following streets or parts of streets, vehicular traffic shall move in the direction indicated below:

Name of Street	Direction of Travel	Location
Capen Street (Permit #11899)	North	Entire length from Pleasant Street to Walnut Street
Chapman Road (Permit #6-687)	Southwest	From Central Street to Turnpike Street
Charles Avenue (Permit #6-237)	West	On Charles Avenue from Washington Street to the intersection of Ewing Drive between the hours of 4:00 p.m. and 6:00 p.m.; weekdays only; Sundays and holidays excepted
School Street (Permit #6-237)	Southwest	From Canton Street to Perry Street between the hours of 4:30 p.m. and 7:45 p.m., Saturdays only

Name of Street	Direction of Travel	Location
School Street (Permit #6-237)	Southwest	From Canton Street to Perry Street between the hours of 8:00 a.m. and 1:00 p.m., Sundays only
Wyman Street (Permit #12626)	South	From Perry Street to Water Street

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles**

ARTICLE IX, Operation of Vehicles

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-38. Driving
within marked lanes.**

§ 266-38. Driving within marked lanes.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-39. Use of
right lane.**

§ 266-39. Use of right lane.

Upon all roadways, the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel, except when overtaking another vehicle or when

preparing for a left turn.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-40.
Overtaking other vehicles.**

§ 266-40. Overtaking other vehicles.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-41.
Yielding to overtaking vehicles.**

§ 266-41. Yielding to overtaking vehicles.

The driver of a vehicle, when about to be overtaken and passed by another vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-42.
Obstructing traffic.**

§ 266-42. Obstructing traffic.

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- B. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to

accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

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Following too closely.**

§ 266-43. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-44.
Distance between slow-moving vehicles.**

§ 266-44. Distance between slow-moving vehicles.

Upon roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving vehicle, when traveling outside of a business or residential district, shall not follow another slow-moving vehicle within 200 feet, but this shall not be construed to prevent such slow-moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals or other lawful processions.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-45. Care in
starting, stopping, turning, backing.**

§ 266-45. Care in starting, stopping, turning, backing.

The driver of any vehicle, before starting, stopping, turning from a direct line or backing, shall first see that such movement can be made in safety. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal, as required by the following section.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-46.
Stopping and turning signals.**

§ 266-46. Stopping and turning signals.

- A. Any signal herein required shall be given sufficient time in advance of the movement indicated to give ample warning to any person who may be affected by said movement, and shall be given either by means of the hand and arm in the manner specified, or by a suitable mechanical or electrical device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being made or from being visible both to the front and rear, the signal shall be given by a suitable device.
- B. Hand and arm signals, as required herein, shall be made as follows:
- (1) An intention to stop shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle.
 - (2) An intention to turn to the left shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle and by pointing to the left with the index finger.
 - (3) An intention to turn to the right shall be indicated by extending the arm horizontally to the left of and beyond the side of the vehicle and by moving the hand in a circle.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-47.
Sounding of horn.**

§ 266-47. Sounding of horn.

The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to ensure safe operation.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-48. Stop
signs.**

§ 266-48. Stop signs.

- A. Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word "STOP" and authorized by this section, said sign having, apart from this regulation, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so clearly marked by a sign or line, then at a place between the "STOP" sign and the nearer line of the street intersection. In the case of a line of two or more vehicles approaching such "STOP" sign, the drivers of the second and third vehicles in line in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device, or except as provided in § 266-53B.
- B. In accordance with the provisions of MGL c. 89, § 9, the following streets are designated as "STOP" streets at the intersections and in the direction indicated:

Stop Sign On	Direction of Travel	At Intersection of
Adams Street (Permit #89-2)	Southwest	Cushing Street
Annina Avenue (Permit #93-4)	North and south	Smith Avenue
Atkinson Avenue (Permit #87-8)	North and south	Dean Road
Bird Street (Permit #10729)	East	Morton Street
Boylston Street (Permit #6-746)	West	Park Street
Brock Street [Permit #7746(a)]	East	Washington Street (State Highway)
Brock Street (Permit #6-746, #90-1)	East	Morton Street
Bradford Street (Permit #3238)	Northeast	Water Street
Brock Street (Permit #7401, #90-1)	West	Morton Street

Stop Sign On	Direction of Travel	At Intersection of
Brock Street (Permit #7402)	West	Wyman Street
Brook Street (Permit #7367A)	South	Canton Street
Butler Way (Permit #90-1)	West	Morton Street
Canton Street (Permit #6-103)	West	Central Street
Capen Street (Permit #7748)	North	Seaver and Pleasant Streets
Cedar Street (Permit #10257)	West	Sumner Street
Cedar Street (Permit #91-1)	Southeast	Both sides at Ash Street
Central Street (Permit #1566)	East and west	Pearl Street (signals)
Central Street (Permit #6-746)	East	Sharon Street
Central Street (Permit #25)	East and west	Washington Street (State Highway) (signals)
Central Street (Permit #146)	North and south	Pleasant Street (signals)
Charles Avenue (Permit B-2034)	West	Washington Street (State Highway)
Charles Circle (Permit #6-746)	North	Central Street
Chemung Street (Permit #6-1136)	West	Bay Road
Chestnut Street (Permit #7749)	North and south	Seaver Street
Chestnut Street (Permit #6-2357)	North and south	Walnut Street
Cross Street (Permit #3239)	Southeast	Station Street
Cushing Street (Permit #6-746)	East	Simpson Street
Cushing Street (Permit #9603)	Southeast	Simpson Street

Stop Sign On	Direction of Travel	At Intersection of
Cushing Street (Permit #6-746)	West	Central Street
Deady Avenue (Permit #6-746)	North	Pine Street
Dean Road (Permit #87-8)	East and west	Atkinson Avenue
Donald Road (Permit #6-746)	North	Central Street
Drake Avenue (Permit #6-112)	East	Canton Street
Elm Street (Permit #6-746)	East	School Street
Elm Street (Permit #6-1022)	West	West Street
Everett Circle (Permit #91-2)	North and south	Frank Road
Ewing Drive (Permit #6-2359)	North	Charles Avenue
Ewing Drive (Permit #6-746)	South	Central Street
Farrington Street (Permit #6-746)	South	Plain Street
Forest Road (Permit #90-1)	East	Morton Street
Frank Road (Permit #91-2)	East	Everett Circle
Franklin Street (Permit #6-746)	North	Park Street
Gay Street (Permit #6-746)	East	Sumner Street
Gay Street (Permit #B-2032)	East	Washington Street (State Highway)
Gibbons School Driveway (Permit #93-4)	South	Kenneth Court
Green Drive (Permit #6-746)	East	Turnpike Street
Greenwood Avenue (Permit #10728)	North and south	Lakewood Drive

Stop Sign On	Direction of Travel	At Intersection of
Grove Street (Permit #7577)	South	Pleasant Street
Henry Street (Permit #6-746)	South	Central Street
Highland Street (Permit #6-1360)	North	Bay Road
Highland Street (Permit #92-5)	North	West Street
Highland Street (Permit #6-746)	South	West Street
Island Street (Permit #87-6)	North and south	Mill Street
Jewish Community Center Driveway (Permit #88-17)	South	Central Street
Joyce Drive (Permit #6-791)	East	Carey Circle
Kinsley Street [Permit #7746(a)]	West	Washington Street (State Highway)
Knowles Avenue (Permit #6-746)	South	Central Street
Lakewood Drive (Permit #88-17)	East	Central Street
Leach Street (Permit #9550)	Northeast and southwest	Prospect Street
Leeds Street (Permit #93-4)	North	Kenneth Court
Lincoln Street (Permit #2075)	East and west	Pleasant Street
Lincoln Street [Permit #9696(a)]	Northeast	Central Street (signal)
Lincoln Street (Permit #7747)	West	Washington Street
Lowe Avenue (Permit #6-116)	Southeast	Pleasant Street
McGarvey Road (Permit #7-746)	West	Rockland Street

Stop Sign On	Direction of Travel	At Intersection of
Mill Street (Permit #87-6)	East	Island Street
Monk Street (Permit #6-746)	East	Grove Street
Monk Street (Permit #6-746)	West	Washington Street
Morton Street (Permit #90-1)	North and south	Brock Street
Morton Street (Permit #90-1)	North and south	Butler Way/Forest Road
Morton Street (Permit #2076)	North and south	Plain Street
Myrtle Street (Permit #91-3)	East and west	Water Street
North Paul Street (Permit #B-2036)	East	Washington Street (State Highway)
Page Street (Permit #7744)	North and south	Turnpike Street
Park Street (Permit #88-5)	West	Washington Street and Pleasant Street
Pearl Street (Permit #88-15)	East	School Street (signals)
Pearl Street Place (Permit #92-4)	East and west	Clapp Street
Pearl Street (Permit #6-1281)	South	Porter Street
Perry Street (Permit #7745)	East and west	School Street
Perry Street (Permit #91-3)	North and south	Winter Street
Pine Street (Permit #6-746)	East	Pleasant Street
Plain Drive (Permit #6-746)	South	Plain Street
Plain Street (Permit #B-2031)	East	Washington Street (State Highway)

Stop Sign On	Direction of Travel	At Intersection of
Plain Street (Permit #90-1)	East and west	Morton Street
Plain Street (Permit #6-1136)	West	Bay Road
Prospect Street (Permit #1568)	North	Pleasant Street
Prospect Street (Permit #88-15)	North and south	Walnut Street (signals)
Prospect Street (Permit #5113)	South	Park Street
Record Street (Permit #6-1200)	West	Commercial Street
Record Street (Permit #6-746)	West	Pearl Street
Robin Circle (Permit #6-746)	North	Central Street
Ryan Road (Permit #6-746)	East	Sumner Street
School Street (Permit #6-256)	East	Washington Street
School Street (Permit #26)	East and west	Pearl Street (signals)
School Street (Permit #24)	East and west	Summer Street and Canton Street
School Street (Permit #6-746)	South	West Street
Seaver Street (Permit #68)	East and west	Prospect Street
Seaver Street (Permit #6-2092)	South	Park Street
Seventh Street (Permit #B-2033)	West	Park Street (State Highway)
Simpson Street (Permit #6386)	East and west	Canton Street
South Street (Permit #6-746)	East	Central Street
Southworth Court (Permit #6-746)	East	Canton Street

Stop Sign On	Direction of Travel	At Intersection of
Stoughton Street (Permit #10140)	West	Pearl Street
Summer Avenue (Permit #7-746)	North and south	Perry Street
Summer Avenue (Permit #3240)	Southeast	Water Street
Summer Street (Permit #7942)	South	Wyman Street
Sumner Street (Permit #B-2029)	West	Park Street
Swanson Terrace (Permit #6-746)	South	Plain Street
Tenth Street (Permit #3241)	East	Turnpike Street
Tosca Drive (Permit #88-9)	South	Central Street
Turnpike Street (Permit #6-746)	North	Pleasant Street
Turnpike Street (Permit #5695)	North and south	Central Street (signals)
Turnpike Street (Permit #6871)	South	Park Street (State Highway)
Union Street (Permit #6-104)	North	Porter Street
Walnut Street (Permit #6-2368)	East	Lincoln Street
Walnut Street (Permit #1567)	East and west	Park Street
Walnut Street (Permit #69)	East and west	Prospect Street
Warren Avenue (Permit #90-2)	East	Britton Avenue
Warren Avenue (Permit #B-2035)	West	Washington Street (State Highway)
Washington Street (Permit #88-5)	North	Railroad Avenue
Water Street (Permit #91-3)	North and south	Myrtle Street

Stop Sign On	Direction of Travel	At Intersection of
Water Street (Permit #7-746)	South	Wyman Street
West Street (Permit #B-79)	North	Plain Street
West Street (Permit #6-746)	South	School Street
West Street (Permit #6-2368)	West	Highland Street
Willow Street (Permit #93-4)	East	Kay Way
Winter Street (Permit #8897)	Northeast	Perry Street
Winter Street (Permit #8897)	Southwest	Perry Street
York Street (Permit #B-2030)	West	Washington Street (State Highway)

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-49.
Roadway divisions.**

§ 266-49. Roadway divisions.

Upon such roadways as are divided by a parkway, grass plot, reservation viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer signs, signals or markings.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-50. Driving
on road surfaces under construction or repair.**

§ 266-50. Driving on road surfaces under construction or repair.

No operator shall enter upon the road surface of any street or highway section thereof, when, by reasons of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used or when so advised by an officer, watchman, member of a street or highway crew or employees of the Town, either audibly or by signals.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-51. Driving
on sidewalks prohibited.**

§ 266-51. Driving on sidewalks prohibited.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-52.
Identification of funerals.**

§ 266-52. Identification of funerals.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple cross attached to both the first and last vehicles.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-53. Rights
and duties of drivers in funerals or other processions.**

§ 266-53. Rights and duties of drivers in funerals or other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.
- B. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral

or other procession shall be the only one required to stop before proceeding through the intersection.

- C. At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication. (Permit #11508)

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-54.
Dropping or leaking loads.**

§ 266-54. Dropping or leaking loads.

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking, or otherwise escaping therefrom. Vehicles loaded with any materials which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-55.
Obedience to traffic control signals.**

§ 266-55. Obedience to traffic control signals.

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 or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than stop sign), signal or device or except as provided in § 266-53C of this article. 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. (Permit #11508)

- A. 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 or pedestrian indication.

- B. Flashing red. When a red lens is illuminated in a traffic control signal by rapid intermittent flashes, and its use has been specifically authorized by the Department of Public Works of the Commonwealth of Massachusetts, drivers shall stop before entering the nearer line or crosswalk of the street intersection, or at a stop line when marked, and the right to proceed shall then be governed by provisions of MGL c. 89, § 8 (Ter. Ed.).
- C. Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard, and drivers may proceed only with caution.
- D. 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 a crosswalk of the intersection at the time such signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic. (Permit #11508)
- E. Red. (Permit B-3787)
 - (1) 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 MGL c. 89, § 8.
 - (2) 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 turn at the following intersections:

Intersection	Location
Central Street and Pearl Streets	All approaches
Central Street and Pleasant Street	All approaches
Ralph Mann Drive and Pearl Street	All approaches

- F. Red and yellow. While the red and yellow lens are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.
- G. Right, left or vertical 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 the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on a green indication and to pedestrians legally within a marked crosswalk.

- H. Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed, and any drivers approaching the intersection on a marked stop line 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.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-56. U-turns
prohibited.**

§ 266-56. U-turns prohibited.

No operator shall back or turn a vehicle as to proceed in direction opposite to that in which said vehicle is headed or travelling on the following streets or portions of streets thereof: (Permit #B-79)

Name of Street	Location
Washington Street	Between Porter Street and Pleasant Street

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-57. Vehicle
operation at crosswalks.**

§ 266-57. Vehicle operation at crosswalks.

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle, which for the purpose of this article shall include bicycles, shall yield to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the

roadway upon which the vehicle is travelling or when the pedestrian approached from the opposite half of the roadway to within five feet of that half of the roadway upon which the vehicle is travelling.

- B. No operator of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross a way nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating, notwithstanding any traffic control signal indication to proceed.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-58.
Obedience to police officers.**

§ 266-58. Obedience to police officers.

Police officers may divert vehicular traffic or pedestrian traffic when necessary to avoid congestion or promote safety and convenience, and no person having charge of a vehicle shall refuse or neglect to stop or place the same as directed by a police officer. (Permit #B-916)

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-59.
Operation at under- or overpasses and intersections with islands.**

§ 266-59. Operation at under- or overpasses and intersections with islands.

At any conjunction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-60. Right
turns only.**

§ 266-60. Right turns only.

A. Operators of vehicles shall make a right turn only from the following streets in the Town between the hours of 4:00 p.m. and 7:00 p.m., except Sundays and holidays: (Permit #6-1560)

Name of Street	Right Turn Only Onto
Freeman Street (Permit #6-1301)	Washington Street
Wyman Street (Permit #6-1301)	Washington Street

B. Right turn only, all times. Operators of vehicles shall make a right turn only from the following streets in the Town at all times: (Permit #87-2)

Name of Street	Right Turn Only Onto
Pleasant Street	Washington Street
Porter Street, eastbound and westbound	Washington Street
Railroad Avenue	Washington Street

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-61. No left
turns.**

§ 266-61. No left turns.

Left turns are prohibited as follows:

Name of Street	Direction of Travel	No Left Turn Onto	Additional Restrictions
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Name of Street	Direction of Travel	No Left Turn Onto	Additional Restrictions
Washington Street (Permit #88-7)	North	Wyman Street	Between 6:00 a.m. and 8:00 a.m. and 4:00 p.m. and 7:00 p.m., except Sundays and holidays
Washington Street (Permit #6-2476)	South	Monk Street	

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-62.
Reserved center lanes.**

§ 266-62. Reserved center lanes.

- A. Where a lane is reserved in the center of a roadway for the exclusive use of drivers in either direction to make a left turn and is indicated as such by standard signs and pavement markings, no driver of a vehicle shall use such lane for the purpose of through traffic or for overtaking and passing another vehicle. (Permit #B-4406)
- B. A pavement marking variance permit for each exclusive turning lane is necessary in compliance with the provisions of MGL c. 89, § 1.

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-63. Yield
signs.**

§ 266-63. Yield signs.

In accordance with the provisions of MGL c. 89, § 9, the following streets are designated as "YIELD" streets at the intersections and in the direction indicated: (Permit #2956)

Yield Sign On	Direction of Travel	At Intersection of
Chemung Street (Permit #2995)	East	West Street
Tea Street (Permit #2995)	North	Lakewood Drive
Turnpike Street (Permit #2995)	North	Pleasant Street
Turnpike Street (Permit #2995)	South	Morton Street

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-64. Thickly
settled zones.**

§ 266-64. Thickly settled zones.

The Board of Selectmen shall determine upon what streets thickly settled shall be designated and shall mark or sign such streets or parts thereof and cause the same to be marked or signed. For purposes of this section, "thickly settled" shall mean a speed not to exceed 30 miles per hour. The following locations are designated "thickly settled." (Permit #87-1)

Name of Street	Location
Chemung Street (Permit #88-10)	Both sides between West Street and Bay Road
Cross Street	Entire length between Station Street and the Canton town line
Morton Street (Permit #88-10)	Both sides in the vicinity of 49 Morton Street
Page Street	Southerly direction in the vicinity of 748 Page Street
Prospect Street	Entire length between Pleasant Street and Park Street

Name of Street	Location
Station Street	Entire length between Central Street and Pearl Street
Turnpike Street (Permit #89-5)	From Central Street to Park Street

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VEHICLES AND TRAFFIC / ARTICLE IX, Operation of Vehicles / § 266-65. Heavy
commercial vehicle exclusion.**

§ 266-65. Heavy commercial vehicle exclusion.

Heavy commercial vehicles over 2 1/2 ton capacity are excluded from: York Street between Washington Street and the Canton town line. The alternate route shall be by way of Washington Street, Central Street and Pleasant Street. Hours of exclusion: 6:00 a.m. to 7:00 p.m. Exception: This regulation shall not apply to heavy commercial vehicles going to or coming from places upon such streets for the purpose of making deliveries to or 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 in the performance of their duties. (Permit E-B-285-5525)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE X, Accident Reports, Responsibility for
Violations, Penalties**

ARTICLE X, Accident Reports, Responsibility for Violations, Penalties

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE X, Accident Reports, Responsibility for
Violations, Penalties / § 266-66. Driver duty to report accidents.**

§ 266-66. Driver duty to report accidents.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of \$25 or more shall, within 24 hours, make a full and complete report in writing of such accident to the police headquarters in this Town. A driver who has been incapacitated as a result of such accident, and to such extent as to make reporting impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the Police Department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE X, Accident Reports, Responsibility for
Violations, Penalties / § 266-67. Owner prima facie responsible for violations.**

§ 266-67. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provisions of these rules and orders 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.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE X, Accident Reports, Responsibility for
Violations, Penalties / § 266-68. Violations and penalties.**

§ 266-68. Violations and penalties.

Except as otherwise provided by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations shall be punished by a fine or not more than \$2 for the first offense and not more than \$20 for each subsequent offense of a like nature committed during any period of one year unless otherwise herein provided.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266, VEHICLES AND TRAFFIC / ARTICLE X, Accident Reports, Responsibility for Violations, Penalties / § 266-69. Severability.

§ 266-69. Severability.

These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266, VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit #45)**

ARTICLE XI, Pedestrian Control Regulations (Permit #45)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266, VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit #45) / § 266-70. Pedestrians crossing ways or roadways.**

§ 266-70. Pedestrians crossing ways or roadways.

Pedestrians shall obey the direction of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within 300 feet of a pedestrian, no such pedestrian shall cross a way or a roadway except within the limits of a marked crosswalk and as hereinafter provided in these regulations. For the purposes of these regulations, a marked crosswalk shall only be construed to be that area of a roadway reserved for a pedestrian crossing located between two solid white reflector twelve-inch pavement markings in rural areas or markings not less than six inches wide in urban areas, said markings or lines being no less than six feet apart.

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07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266, VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit #45) / § 266-71. Pedestrian actuation.**

§ 266-71. Pedestrian actuation.

- A. At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by means of a push button.
- B. At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or other procession of authorized emergency vehicles while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed, at which time pedestrians shall then cross the roadway only as provided in these regulations.

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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-72. Pedestrian obedience to traffic control signals.**

§ 266-72. Pedestrian obedience to traffic control signals.

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

- A. Red and yellow or with word "Walk." Whenever the red and yellow lenses are illuminated together or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
- B. Red alone or "Don't Walk." Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon a cross or roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the "Walk" indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when words "Don't Walk" are illuminated by rapid intermittent flashes.
- C. Green alone. At traffic control signal locations where no pedestrian indication is given or

provided, pedestrians facing the signal may proceed across the roadway in the direction of the green indication.

- D. Flashing red, yellow or green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only when the red-yellow or "Walk" indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-73. Vehicle operation at crosswalks.**

§ 266-73. Vehicle operation at crosswalks.

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle, which for the purposes of this article shall include bicycles, shall yield the right of way, slowing down or stopping if need be so as to yield to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling or when the pedestrian approaches from the opposite half of the roadway to within five feet of that half of the roadway upon which the vehicle is travelling.
- B. No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating, notwithstanding any traffic control signal indication to proceed.

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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-74. Pedestrian crossings and use of roadways.**

§ 266-74. Pedestrian crossings and use of roadways.

- A. No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.
- B. Pedestrians shall at all times attempt to cross a roadway using the right half of the crosswalks.

- C. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.
- D. Where sidewalks are not provided, any pedestrian walking along and upon a highways shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction.
- E. Persons alighting from the roadway side of any vehicles parked at the curb or edge of the roadway shall proceed immediately to the sidewalk or edge of the roadway adjacent to the vehicle, and shall cross the roadway only as authorized by these regulations.
- F. It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.

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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-75. Operators to exercise due care.**

§ 266-75. Operators to exercise due care.

- A. The provisions of these regulations shall in no way abrogate the provisions of MGL c. 90, §§ 14 and 14A, which provide: "Precautions for safety of other travelers" and for the "Protection of blind persons crossing ways."
- B. Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary for safe operation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-76. Pedestrians soliciting rides or business.**

§ 266-76. Pedestrians soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-77. Enforcement.**

§ 266-77. Enforcement.

These pedestrian control regulations shall be enforced by all officers of the Town of Stoughton on and after April 1, 1967.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,
VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-78. Exemptions.**

§ 266-78. Exemptions.

The provisions of these rules and regulations governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon roadways closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
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VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit
#45) / § 266-79. Violations and penalties.**

§ 266-79. Violations and penalties.

Any person who violates the provisions of this article which deal with the proper use of ways by pedestrians shall be punished as provided in MGL c. 90, § 18A. Any person convicted of a violation of any other provision of these regulations relative to the operation of a vehicle shall be punished by a fine not exceeding \$20 for each offense.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 266,**

VEHICLES AND TRAFFIC / ARTICLE XI, Pedestrian Control Regulations (Permit #45) / § 266-80. Effect of regulations.

§ 266-80. Effect of regulations.

- A. All existing rules and regulations governing the operation of vehicles or the use of ways by pedestrians which are inconsistent herewith are hereby expressly repealed. This repeal shall not, however, affect any punishment or penalty imposed or any complaint or prosecution pending at the time of passage hereof for any offense committed under any of said rules and regulations hereby repealed.
- B. If any questions, subsection, sentence, clause or phrase of these rules and regulations is for any reason unconstitutional, such decision shall not affect the validity of the remaining portion of these rules and regulations.
- C. The Board of Selectmen of the Town of Stoughton, Massachusetts, does hereby declare that it would have passed these rules and regulations and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that only one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.
- D. The provisions of these rules are so far as they are the same in effect as those of any existing rules, order or regulations heretofore made by the Selectmen of Stoughton relative to or in connection with official signs, lights, marking, signal systems or devices shall be construed as a continuation thereof, but all other existing rules, order and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of said rules, orders or regulations hereby repealed.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES**

Chapter 270, VICTUALLER LICENSES

[HISTORY: Adopted by the Board of Selectmen of the Town of Stoughton 7-28-1981 (Ch. 193 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Chs. 59 and 209.

**Entertainment -- See Ch. 89.
Board of Health -- See Ch. 282.**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-1. Discrimination prohibited.**

§ 270-1. Discrimination prohibited.

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-2. Display of licenses and certificates.**

§ 270-2. Display of licenses and certificates.

All licenses and building certificates shall be kept on the premises, available at all times to the proper authorities.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-3. Use of alcoholic beverages.**

§ 270-3. Use of alcoholic beverages.

Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty cooked foods. The Board will, in its discretion, determine what is reasonable for this purpose and whether or not it is customary in the preparation of such specialty foods.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-4. Continuation of complaints and reports.**

§ 270-4. Continuation of complaints and reports.

Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Board.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-5. Right of Licensing Board to amend
regulations.**

§ 270-5. Right of Licensing Board to amend regulations.

The Licensing Board reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART III BOARD OF SELECTMEN REGULATIONS / Chapter 270,
VICTUALLER LICENSES / § 270-6. Statutory provisions.**

§ 270-6. Statutory provisions.

The following are the substance of extracts from Chapter 140 of the General Laws, as amended:

- A. MGL c. 140, § 4: "Every license of a common victualler shall specify the street and number if any, of the building where the business is to be carried on or give some other particular description thereof, and the license shall not protect a licensee who carries on his business in any other place. Such licenses shall expire on December thirty-first of each year; but they may be granted during December to take effect on January first following."
- B. MGL c. 140, § 5: "Every common victualler shall at all times be provided with suitable food for strangers and travelers."
- C. MGL c. 140, § 9: "If, in the opinion of the licensing authority, a license as a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this chapter, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for hearing, may upon satisfactory proof thereof suspend or revoke his license. A licensee who is convicted a second time of the violation of any of the provisions of sections

six to eighteen, inclusive shall forfeit his license."

- D. MGL c. 140, § 18: "Every common victualler shall at all times have a board or sign affixed to his house, shop, cellar or store, or in a conspicuous place near the same with his name legibly inscribed thereon in large letters and the business for which he is licensed inscribed thereon and upon neglect thereof shall forfeit twenty dollars."

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS**

**PART IV
MISCELLANEOUS REGULATIONS**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH**

Chapter 282, BOARD OF HEALTH

[HISTORY: Adopted by the Board of Health of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)]**

ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the 1983 Code)]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-1. Definitions.**

§ 282-1. Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this article:

EMPLOYEE -- Any person over 18 years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

MASSAGE -- Any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

MASSEUR -- Any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

PATRON -- Any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

RECOGNIZED SCHOOL -- Any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than 70 hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-2. Permit required.**

§ 282-2. Permit required.

- A. Business permit required. No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the Town pursuant to the provisions of this article for each and every separate office or place of business conducted by such person.
- B. Masseur's permit required. No person shall practice massage as a masseur, employee or

otherwise, unless he has a valid and existing masseur's permit issued to him by the Town of Stoughton pursuant to the provisions of this article.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-3. Application for massage business permits; nuisances;
operating hours.**

§ 282-3. Application for massage business permits; nuisances; operating hours.

- A. Any person desiring a massage business permit shall file a written application with the Board of Health on a form to be furnished by the Board of Health. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall in addition furnish the following:
- (1) The type of ownership of the business, such as whether individual, partnership or corporation.
 - (2) The name, style and designation under which the business or practice is to be conducted.
 - (3) The business address and all telephone numbers where the business is to be conducted.
 - (4) A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.
 - (5) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
 - (a) Name, complete residence address and residence telephone numbers.
 - (b) The two previous addresses immediately prior to the present address of the applicant.
 - (c) Written proof of age.
 - (d) Height, weight, color of hair and eyes and sex.
 - (e) Two front-face portrait photographs, taken within 30 days of the date of the

application, at least two inches by two inches in size.

- (f) The massage or similar business history and experience, including but not limited to whether or not such person, in previously operating in this or another town or state under license or permit, has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation.
 - (6) Such information, identification and physical examination of the person as shall be deemed necessary by the Stoughton Board of Health to discover the truth of the matters hereinbefore required to be set forth in the application.
 - (7) Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
 - (8) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed by a Town official.
- B. A permit shall be granted for a period of one year and may be renewed by a written request to the Board of Health upon payment of \$100, provided that if there are any changes in the information given in the original application, such changes shall be set forth in the written request for renewal.
- C. After suspension or revocation of the permit, a person can apply in writing within 10 days for a hearing.
- D. If a section shall be decided invalid, the remaining rules shall remain in full force.
- E. A hearing must be held to determine whether any nuisance is created or danger to public health is created.
- F. Operation hours for the purpose of massage shall be from 9:00 a.m. to 5:00 p.m., Monday through Saturday.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-4. Application for masseur's permit.**

§ 282-4. Application for masseur's permit.

Any person desiring a masseur's permit shall file a written application with the Stoughton Board of Health on a form to be furnished by the Stoughton Board of Health. The applicant shall tender with the application the permit fees as hereinafter provided and shall, in addition, furnish the following:

- A. The business address and all telephone numbers where the massage is to be practiced. The Stoughton Board of Health must be notified in writing of any change of address.
- B. The following personal information concerning the applicant:
 - (1) Name, complete residence address and residence telephone numbers. The Stoughton Board of Health must be notified in writing of any change of address.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, color of hair and eyes and sex.
 - (5) Two front-face portrait photographs taken within 30 days of date of application and at least two inches by two inches in size.
 - (6) The massage or similar business history and experience, including but not limited to whether or not such person, in previously operating in this or another town or state under license or permit, has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation.
 - (7) A certificate from the Stoughton Board of Health showing that the applicant has passed a written examination based on practical knowledge of massage and physiology to be given by the Stoughton Board of Health.
 - (8) Diploma, certificate or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught.
 - (9) A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.
- C. Such other information, identification and physical examination of the person deemed necessary by the Stoughton Board of Health in order to discover the truth of the matters hereinbefore required to be set forth in the application.
- D. Authorization for the Town, its agents and employees to seek information and conduct an investigation into the truth of statements set forth in the application and qualifications of the applicant for the permit.

- E. Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the Town.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-5. Approval by Board of Health.**

§ 282-5. Approval by Board of Health.

- A. Permits are valid only if issued by the Stoughton Board of Health. Upon receiving the application for a massage business or masseur's permit, the Stoughton Board of Health shall conduct an investigation into the applicant's moral character and personal and criminal history. The Stoughton Board of Health may, in its discretion, require a personal interview of the applicant and such further information, identification and physical examination of the person as shall bear on the investigation.
- B. In the case of applications for massage business permits, the Stoughton Board of Health shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises comply with all sanitation requirements as set forth in this article and with the regulations of public health, safety and welfare.
- C. Before any permit shall issue under this article, the Board of Health shall first sign the approval of the application.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-6. Issuance or denial of business permit.**

§ 282-6. Issuance or denial of business permit.

The Stoughton Board of Health shall issue a massage business permit within 45 days of receipt of the application unless it finds that:

- A. The correct permit fee has not been tendered to the Town and, in case of a check or bank draft, honored with payment upon presentation.
- B. The operation, as proposed by the applicant, if permitted, would not comply with all

applicable laws, including but not limited to the Town's building, zoning and health regulations.

- C. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Town in conjunction therewith.
- D. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person principally in charge of the operation is not over the age of 18 years.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-7. Display of permits.**

§ 282-7. Display of permits.

The massage business permittee shall display his permit and that of each and every masseur employed in the establishment in an open and conspicuous place on the premises of the massage business.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-8. Fees.**

§ 282-8. Fees.

The permit fee for a massage business shall be \$100 per year or any part thereof. In addition, the permit fee for each masseur shall be \$25 per year or any part thereof.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-9. Revocation or suspension of permit.**

§ 282-9. Revocation or suspension of permit.

Any massage business or masseur's permit issued under this article shall be subject to suspension

or revocation by the Board of Health for violation of any provision of this article or for any grounds that would warrant the denial of issuance of such permit in the first place. The Board of Health, upon revocation or suspension, shall state its reasons in writing, specifying the particular grounds for such revocation or suspension.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-10. Records.**

§ 282-10. Records.

Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the Stoughton Board of Health or its authorized representatives.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-11. Transferability.**

§ 282-11. Transferability.

No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-12. Minors prohibited.**

§ 282-12. Minors prohibited.

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment, as masseur, employee or patron, unless such person is on the premises on lawful business or under a physician's order.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-13. Food or alcoholic beverages prohibited.**

§ 282-13. Food or alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage or food on the premises of any massage business. Coin-operated vending machines outside massage areas are permitted. No consumption of food shall be permitted inside the massage area.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-14. Exceptions.**

§ 282-14. Exceptions.

The provisions of this article shall not apply to hospitals, nursing homes, sanitoriums or persons holding an unrevoked certificate to practice the healing arts under the laws of the state or persons working under the direction of any such persons or in any such establishment, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 282, BOARD OF
HEALTH / ARTICLE I, Massage Businesses [Adopted 10-12-1976 (Ch. 216 of the
1983 Code)] / § 282-15. Violations and penalties.**

§ 282-15. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall be fined not less than \$100 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,**

CONSERVATION COMMISSION

Chapter 287, CONSERVATION COMMISSION

[HISTORY: Adopted by the Conservation Commission of the Town of Stoughton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands protection -- See Ch. 191.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch.
196, Art. I, of the 1983 Code)]**

ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch. 196, Art. I, of the 1983 Code)]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch.
196, Art. I, of the 1983 Code)] / § 287-1. Name; purpose.**

§ 287-1. Name; purpose.

- A. The name of this organization shall be the "Conservation Commission of the Town of Stoughton, Massachusetts," called the "Commission."
- B. The purpose of the Commission shall be as follows:
 - (1) To administer the provisions of the Wetlands Protection Act, MGL c. 131, § 40, as amended.
 - (2) To administer the provisions of any other local, state or federal regulations that pertain to conservation activities.
 - (3) To acquire and maintain conservation land in the Town of Stoughton for the purpose of preserving open space, protecting wetlands and offering passive recreation area for the townspeople of Stoughton.
 - (4) To develop and maintain continuing educational and recreational program for the

conservation lands.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch.
196, Art. I, of the 1983 Code)] / § 287-2. Election and appointment of officers.**

§ 287-2. Election and appointment of officers.

- A. The Chairman shall be elected annually at the first meeting of the Commission after the annual appointment of members by the Town Manager and/or the Board of Selectmen.
- B. A First and Second Vice Chairman shall be elected at the first meeting of the Commission after the annual appointments have been made and, in the absence of the elected Chairman, shall have the power of the elected Chairman at said meeting.
- C. A Secretary shall be appointed by the Commission at this same time annually and shall keep all records of every meeting.
- D. A Patrol Officer shall be appointed by the Commission at this same time annually and shall carry out the duties as put forth by the Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch.
196, Art. I, of the 1983 Code)] / § 287-3. Honorary and associate members.**

§ 287-3. Honorary and associate members.

- A. The Commission may elect honorary members among former members of the Commission. Honorary members may attend any meeting and serve on any committee and perform other duties the Chairman may assign them, but they shall not have the right to vote.
- B. The Commission may by vote at any meeting appoint associate members who are residents in the Town of Stoughton, Massachusetts. Associate members shall not have the right to vote, but may attend any meeting of the Commission and serve on any committee and perform other duties the Chairman may assign them.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,**

CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch. 196, Art. I, of the 1983 Code)] / § 287-4. Reports.

§ 287-4. Reports.

The Chairman shall give, in writing, a report for the year to the Commission and, with the approval of the Commission, shall submit the report to the Town of Stoughton, Massachusetts, for the Annual Town Report.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch. 196, Art. I, of the 1983 Code)] / § 287-5. Meetings.**

§ 287-5. Meetings.

- A. The Chairman of the Commission shall direct the calling of not less than one meeting a month. Notice of the meeting shall be sent by mail not less than five days before the date of the meeting to the home address of each member as is on record.
- B. Special meetings, if the work load warrants it or for emergency purposes, may be called by the Chairman or by majority vote of the Commission.
- C. Four voting members of the Commission shall constitute a quorum.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch. 196, Art. I, of the 1983 Code)] / § 287-6. Authority to adopt rules and regulations.**

§ 287-6. Authority to adopt rules and regulations.

The Commission shall have the power to draw up and enforce rules and regulations governing the use of the conservation lands. An updated list of the rules and regulations must accompany the bylaws for the records. These rules and regulations may be suspended or amended at any regular meeting of the Commission by a majority vote of the total Commission or a quorum being present and a notice of action on said changes in writing sent to each voting member of the Commission by mail five days prior to the meeting at which proposed action is to be taken.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE I, Bylaws [Adopted 5-31-1977 (Ch.
196, Art. I, of the 1983 Code)] / § 287-7. Amendments.**

§ 287-7. Amendments.

This article may be suspended or amended at any regular meeting of the Commission by a majority vote of the total Commission or a quorum being present and a notice of action on said changes in writing sent to each voting member of the Commission by mail five days prior to the meeting at which the proposed action is to be taken.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE II, Use of Conservation Lands
[Adopted 7-17-1977 (Ch. 196, Art. II, of the 1983 Code)]**

**ARTICLE II, Use of Conservation Lands [Adopted 7-17-1977 (Ch. 196, Art. II, of
the 1983 Code)]**

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE II, Use of Conservation Lands
[Adopted 7-17-1977 (Ch. 196, Art. II, of the 1983 Code)] / § 287-8. Rules and
regulations.**

§ 287-8. Rules and regulations.

The following rules and regulations have been adopted by the Stoughton Conservation Commission for use of the conservation lands. These rules and regulations will go into effect July 17, 1977.

- A. The conservation lands are open to the public from sunrise to sunset. Any additional use of the lands will require permission from the Commission.
- B. Permits must be obtained from the Stoughton Fire Department for the use of open fires on conservation lands.
- C. Parking is permitted only in the designated areas at the Bird Street, West Street and C. W.

Welch Entrances.

- D. Camping is permitted in designated areas. Campers must obtain permission in advance from the Commission.
- E. It is prohibited to pick or remove any plants, including flowers, shrubs, trees and nuts, or to remove any stones or soil unless permission has been granted by the Commission.
- F. Visitors are prohibited from harming or removing any wildlife or fish except as specified in the Massachusetts Fish and Wildlife Laws.
- G. It is prohibited to deface or destroy any building or other property of the Conservation Commission or natural features in any way.
- H. Alcoholic beverages are prohibited on all conservation lands.
- I. Removal of dead wood which is lying on the ground is allowed with permission from the Commission. No standing timber, alive or dead, shall be removed unless permission has been given by the Commission.
- J. Extreme caution must be taken with the discharge of all smoking material on conservation lands.
- K. It is prohibited to litter or dispose of rubbish or pollutants of any kind on the conservation lands. Dispose of all litter in the barrels provided for this use.
- L. All motorized vehicles are prohibited from all trails and fields unless permission has been granted by the Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE II, Use of Conservation Lands
[Adopted 7-17-1977 (Ch. 196, Art. II, of the 1983 Code)] / § 287-9. Violations and
penalties.**

§ 287-9. Violations and penalties.

Violators of any of the above laws are subject to fines and/or prosecution. There is a fine of \$25 for the first offense and \$50 for the second offense for violation of § 287-8L. All other regulations are subject to a warning for the first offense, a fine of \$25 for a second offense, and a fine of \$50 thereafter.

CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated

**07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 287,
CONSERVATION COMMISSION / ARTICLE II, Use of Conservation Lands
[Adopted 7-17-1977 (Ch. 196, Art. II, of the 1983 Code)] / § 287-10. Use and
liability.**

§ 287-10. Use and liability.

All conservation lands are open to the public for their use and enjoyment. All persons using these lands do so at their own risk.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 293,
INTERGOVERNMENTAL RELATIONS COMMITTEE**

Chapter 293, INTERGOVERNMENTAL RELATIONS COMMITTEE

[HISTORY: Adopted by the Intergovernmental Relations Committee of the Town of Stoughton 6-3-1976 (Ch. 206 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 293,
INTERGOVERNMENTAL RELATIONS COMMITTEE / § 293-1. Rules of order for
conduct of public hearings.**

§ 293-1. Rules of order for conduct of public hearings.

The following procedures and rules of order will be used by the Intergovernmental Relations Committee during the conduct of public hearings. These rules of order are in addition to the rules of order adopted at the Organizational Town Meeting.

- A. Introduction of Committee and its function by Chairman at opening of session.
- B. Opening of hearing and reading of public notice by Secretary or Vice Chairman.
- C. Presentation by petitioner(s).
- D. Questions by members of the Committee to the petitioner. Members of the Committee should take note of questions to be asked. Each member will be granted one turn to question the petitioner, with all members present allowed to speak before a member can have a second turn to question the petitioner.

- E. Presentation by opponents of petition.
- F. Questions by members of the Committee to opponents or petitioners regarding matters of opposition.
- G. Motion to close hearing.
- H. Motion to dispense with article, i.e., table, refer, etc.
- I. Cross debate between Committee members and parties in attendance is out of order during public hearing, unless a motion is made either to suspend the rules or recess the hearing to allow for such discussion.
- J. No member of the Committee shall make discussion of personalities.
- K. Unless there has been correspondence or a presentation before a properly notified public hearing, no action will be taken on a Town Meeting Article other than a statement to the fact that no such correspondence or presentation was made.
- L. All reports to Town Meeting shall bear statement representative of the reason for the Committee's recommendation.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 299, LIBRARY
TRUSTEES**

Chapter 299, LIBRARY TRUSTEES

[HISTORY: Adopted by the Library Trustees of the Town of Stoughton 12-3-1979 (Ch. 212, Art. I, of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 299, LIBRARY
TRUSTEES / § 299-1. Appointment of Trustees; officers.**

§ 299-1. Appointment of Trustees; officers.

- A. By MGL c. 78, § 10, Library Trustees are appointed or elected in multiples of three. Six Library Trustees are appointed by the Board of Selectmen to the Stoughton Public Library Board of Library Trustees, two each year for terms of three years.
- B. Within 30 days after the annual Town election, the Selectmen shall appoint Library Trustees

to succeed those whose terms are about to expire, for the term of three years from the first day of the calendar month following such appointment. A vacancy in the Board of Library Trustees shall be filled by appointment for the residue of the term (Town Manager Act.)

- C. At the first regular meeting held after the annual Town election, the Board reorganizes and elects a Chairman and a Secretary.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 299, LIBRARY
TRUSTEES / § 299-2. Meetings.**

§ 299-2. Meetings.

- A. Meetings are conducted in accordance with the laws of the state and the Town Charter; notice of meetings is duly posted in the Town Hall.
- B. Meetings are held monthly, September through June, on the first Monday of each month unless there is a conflict in date, in which case a meeting date is decided upon at the previous meeting. Depending on the time of year and business at hand, additional meetings are scheduled as needed.
- C. A quorum of four members of the Board is necessary to conduct business.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 299, LIBRARY
TRUSTEES / § 299-3. Powers and duties.**

§ 299-3. Powers and duties.

- A. The Board of Library Trustees is the policy-forming body of the Stoughton Public Library and establishes general policies governing the operation of the library. Having adopted these policies, the Board shall designate to its chief executive officer, the Head Librarian, the authority to carry them out. It shall be the duty of the Head Librarian to recommend to the Board of Library Trustees all personnel who may be necessary for the proper operation of the library in keeping with the personnel policies of the Trustees; it shall be the duty of the Town Manager to employ such personnel upon the recommendation of the Board of Library Trustees.
- B. In accordance with MGL c. 78, §§ 7 through 12, the Board of Trustees is responsible for the custody and management of the library and reading room and all property owned by the Town relating thereto. The Board of Trustees determines the policies for the use of the

library facilities, including the Wales French Room, the gallery for special exhibits and the use of the Stoughton collection and special programs.

- C. The Board of Library Trustees manages the library's financial responsibilities in partnership with the Head Librarian.
- D. Books. The Board of Library Trustees is solely responsible for the selection and purchase of books and nonreading materials for the library (Town Manager Act). The Board maintains written policies on book selection, the use of the Wales French Room, etc., which are available at the library upon request.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE**

Chapter 311, SCHOOL COMMITTEE

[HISTORY: Adopted by the School Committee of the Town of Stoughton 3-16-1965 (c. 230 of the 1983 Code). Amendments noted where applicable.]

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions**

ARTICLE I, State and Town Law Assumptions

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-1. Election
of Committee members.**

§ 311-1. Election of Committee members.

The Town of Stoughton, at the annual Town election next following the acceptance of this act by the Town, the voters shall elect, by official ballot, five members of the School Committee, two of whom shall be chosen for the term of three years, one for the term of two years, and two for the term of one year; and annually thereafter they shall elect, for the term of three years, either one or two members according as the term of one or two members is about to expire. Upon the

election and qualification of the members of the School Committee, as provided in this section, the terms of office of members of the then-existing Committee shall cease and determine. (Town Manager Act, Chapter 400, Acts of 1921)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-2.
Vacancies.**

§ 311-2. Vacancies.

In case of resignation or removal from Town, a member shall submit such statement to the Town Clerk. In the event of such vacancy, the remaining members shall, after written notice to the Selectmen, with them fill such vacancy with ballot. A majority of the ballots shall elect, and the person elected shall serve till the next Annual Meeting. (MGL c. 41, § 11)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-3.
Compensation; ineligibility for other positions.**

§ 311-3. Compensation; ineligibility for other positions.

The School Committee shall serve without compensation and shall be ineligible to serve as teachers or Superintendent of Schools. (MGL c. 71, § 52)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-4.
Superintendent of Schools.**

§ 311-4. Superintendent of Schools.

The Committee shall employ a Superintendent of Schools and fix his compensation; said Superintendent shall be the executive officer of the Committee and, under its direction, shall have the care and supervision of public schools, the keeping of its records and accounts, the making of reports legally required and shall recommend to the Committee teachers, textbooks and courses of study. (MGL c. 71, § 59)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-5. Hiring of
teachers.**

§ 311-5. Hiring of teachers.

The Committee shall elect and contract with teachers, requiring evidence of moral character, qualifications for teaching and capacity for the government of schools. (MGL c. 71, § 38)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-6. Teachers'
oath; appointment.**

§ 311-6. Teachers' oath; appointment.

The Committee shall cause each teacher to take and subscribe to the oath required by law. Religious belief or political opinions shall not affect appointment to a teaching position. (MGL c. 71, §§ 30A,^{EN(57)} 39)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-7. Teacher
tenure.**

§ 311-7. Teacher tenure.

The School Committee may after one school year and shall after three school years of local consecutive service elect a teacher at its discretion (commonly called "tenure"). A teacher not serving at discretion (tenure) shall be notified in writing on or before April 15 whenever such person is not to be employed for the following school year. (MGL c. 71, § 41)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-8. Dismissal
of teachers.**

§ 311-8. Dismissal of teachers.

The Committee, by two-thirds vote of the whole Committee, may dismiss a teacher on tenure for inefficiency, incapacity, unbecoming conduct, insubordination or other good cause, provided that said teacher is notified 30 school days prior to the meeting at which the vote is taken, and at the teacher's request, he shall have been furnished with written charges, has been given a public hearing and shall have the Superintendent's recommendation thereon. The Committee shall have the right, however, to suspend for unbecoming conduct or to dismiss if decreased enrollment makes it desirable. (MGL c. 71, § 42)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-9. Operation
of schools; transportation.**

§ 311-9. Operation of schools; transportation.

The School Committee shall have the general charge of all the public schools and schoolhouses, keep them in good order, determine the number of weeks and hours of sessions and shall continue to maintain a sufficient number of schoolhouses properly furnished and conveniently situated. Transportation shall be furnished to pupils living two or more miles from the school for his district without charge. Flags shall be provided and displayed for each schoolhouse and each room where opening exercises are held. Opening exercises shall include reading from the Bible without comment and Pledge of allegiance to the Flag. (MGL c. 71, §§ 31, 37, 68, 69)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-10. School
attendance; school year; curriculum.**

§ 311-10. School attendance; school year; curriculum.

The School Committee shall cause every child between seven and 16 to attend the public schools in the Town, if he resides there, unless he is in attendance at an approved private school, and shall provide for and enforce the attendance of all such children. The Committee shall maintain elementary schools for 180 days, at least, and high school for 180 days, exclusive of vacations, and shall provide instruction in orthography, reading, writing, English language, geography, arithmetic, drawing, American history and civics, United States and Massachusetts

Constitutions, physiology and hygiene (including the effects of alcohol and narcotics and the prevention of tuberculosis), good behavior and physical education, as well as such other objects as deemed expedient. (MGL c. 71, §§ 1, 4; c. 76, § 1)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-11.
Supervisor of Attendance; school physicians and nurses.**

§ 311-11. Supervisor of Attendance; school physicians and nurses.

The Committee shall appoint a Supervisor of Attendance and shall affix his compensation, assigning the duties under the law, and shall appoint one or more school physicians and nurses, assigning them to schools, providing facilities to perform their duties and requiring physical examinations in all classes. (MGL c. 71, §§ 53, 54; c. 77, § 12)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-12.
Finances and estimates.**

§ 311-12. Finances and estimates.

All appropriated monies shall be expended for legally authorized schools under the order and superintendence of the School Committee. Annual estimates, in detail, of the amounts necessary to maintain the School Department shall be furnished to the Town Accountant 10 days before the end of the Town financial year. Between December 31 and the next annual appropriations expenditures may be made, not exceeding any one month's expenditure of the previous year, nor more than 1/12 of the estimate submitted. (Mass. Const., Art. 46, Sec. 2, and MGL c. 41, § 59; c. 44, § 13)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-13.
Textbooks.**

§ 311-13. Textbooks.

The Committee shall purchase textbooks and other school supplies, and shall loan them to pupils

free of charge. By a two-thirds vote of the whole Committee, if notice of change is given at a preceding meeting, textbooks in use may be changed. (MGL c. 71, §§ 48, 50)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-14. Special
classes.**

§ 311-14. Special classes.

When there are five or more pupils retarded in mental development in attendance upon its public schools, the School Committee shall establish special classes for the instruction of the educable and trainable mentally retarded. The School Committee shall employ a teacher to offer instruction to physically handicapped children in their homes. The School Committee shall employ a teacher to offer instruction to children emotionally disturbed. (MGL c. 71, §§ 46, 46A, 46H^{EN(58)})

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-15. Use of
school buildings.**

§ 311-15. Use of school buildings.

Without interference with school purposes, the Committee shall allow the use of school buildings for such educational, recreational, social, civic, philanthropic and like purposes as it deems for interest of the community. (MGL c. 71, § 71)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-16. Reports.**

§ 311-16. Reports.

The Superintendent of Schools shall annually make reports to the Commissioner of Education, on forms supplied by him, covering census of school children, expenditures for schools and compliance with the laws. The Committee shall annually make a detailed report of the condition of the schools and shall forward two copies to the Commissioner before April 30. School returns

shall be sent by July 31. (MGL c. 72, §§ 3, 4)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-17. Salary
reductions.**

§ 311-17. Salary reductions.

No teacher's salary shall be reduced without his consent, except by a general salary revision of all teachers in that salary grade, and no Superintendent's salary shall be reduced without his consent until one year after the Committee has voted. (MGL c. 71, § 43)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-18. Gifts
and funds received.**

§ 311-18. Gifts and funds received.

School Committees may use, therefor, funds disbursed to them under the provisions of the School Lunch Act, gifts and other funds received from the sale of lunches under such programs. Such contributions received in the form of money, together with the fees from the sale of lunches and any allotments received from the state for this purpose, shall be deposited with the Treasurer of the Town and held as a separate account and expended by the School Committee without appropriation. Nothing in this act shall prevent cities or towns from appropriating funds in addition to those provided from other sources. (MGL c. 548, § 3, as amended)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-19. School
lunch program accounts and reports.**

§ 311-19. School lunch program accounts and reports.

The Office of the School Lunch Programs, with the approval of the Commissioner, shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of the School Committee. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period

of time, not in excess of five years, as the division may lawfully prescribe. (MGL c. 548, § 4)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-20. State
funds for teachers of special classes.**

§ 311-20. State funds for teachers of special classes.

In addition to the payments provided by § 311-3, the State Treasurer shall annually, on or before November 20, pay to any city or town certified by the Commissioner to have paid teachers or special classes in excess to the regular compensation paid to its teachers, out of the proceeds of the taxation on incomes under Chapter 62, or if such proceeds are insufficient from other revenues as may be appropriated therefor, a sum not to exceed \$500 for each teacher so paid. (MGL c. 71, § 46E^{EN(59)})

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-21.
Employees with tuberculosis.**

§ 311-21. Employees with tuberculosis.

No person known to be suffering from tuberculosis in a communicable form, or having evidence thereof, shall be employed or continued in employment at any school in the commonwealth, in any capacity. Immediately prior to his employment, and every three years thereafter, each School Superintendent, Principal, Director, teacher, food handler, janitor, bus driver, nurse, doctor or other person whose duties bring him in direct contact with children shall file with the Superintendent, on forms furnished by the Department of Health, a report relative to his freedom from tuberculosis. (MGL c. 71, § 55B^{EN(60)})

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE I, State and Town Law Assumptions / § 311-22. Teacher
certification.**

§ 311-22. Teacher certification.

An Act Relative to Standards of Certification of Certain Teachers in the Massachusetts Public

Schools. (MGL c. 71, § 38G)

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures**

ARTICLE II, Organization and Procedures

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-23. Annual
meeting.**

§ 311-23. Annual meeting.

The annual meeting for the organization of the School Committee (hereinafter referred to as the "Committee") shall be held in the office of the Superintendent of Schools at the first meeting following the annual election in March. The meeting shall be called to order by the Superintendent of Schools, who shall preside during and until the election of a Chairman.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-24. Election of
officers.**

§ 311-24. Election of officers.

The Committee shall elect a Chairman and a Secretary to continue in office until his successor shall be elected or the term as a member of the Committee expires. The Committee shall appoint a Recording Secretary with adequate compensation. A vacancy occurring in these offices may be filled at any regular meeting of the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-25. Regular
meetings.**

§ 311-25. Regular meetings.

Regular meetings of the Committee shall be held at the hour appointed by the Committee on the first and third Tuesdays of each month, excepting when it is on a legal holiday, in which case the meeting shall be held on the following Tuesday. The Committee may, at its discretion, discontinue its sessions during July, August and at any other time it deems advisable.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-26. Special
meetings.**

§ 311-26. Special meetings.

Special meetings of the Committee may be called by the Chairman, the Superintendent of Schools or at the request of two members of the Committee, provided always that a notice of 48 hours be given. The business of a special meeting shall be limited to the purpose for which the meeting was called.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-27. Conduct of
meetings.**

§ 311-27. Conduct of meetings.

- A. All meetings shall be open to the public, except when the Committee shall vote to hold an executive session. An executive session shall be held when members of the personnel are under discussion. All proceedings and debates of the Committee in executive session shall be strictly private until secrecy is removed by the Committee. All votes shall be taken in meetings that are open to the public, except as may be otherwise provided for by law.
- B. At executive meetings, all persons, other than duly elected and qualified members, the Superintendent of Schools and the Recording Secretary of the School Committee, shall be excluded. The Superintendent of Schools shall be present at all meetings and have the right to speak on all matters before the Committee, but shall not remain when his own election or salary is under consideration.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-28. Quorum.**

§ 311-28. Quorum.

A majority of the entire Committee shall constitute a quorum for the transaction of business.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-29. Committees;
function; appointment of representatives.**

§ 311-29. Committees; function; appointment of representatives.

- A. There shall be no standing committees. The Committee shall act as a committee of the whole on all matters pertaining to business and educational policies.
- B. In all matters, the Committee shall act as a unit in the legislative capacity according to the state laws and the rules and regulations adopted; and in its administrative capacity according to adopted policies as administered by the Superintendent of Schools. No member of the Committee, by virtue of his office, shall exercise any administrative responsibility with respect to the schools, nor may any Committee member as an individual command the services of any school employee. A Committee member as an individual has no official authority outside of Committee meetings, except those explicitly delegated to him by an official action of the Committee.
- C. The Chairman of the Committee shall appoint from its members one representative to the Stoughton High School Athletic Association and one representative to the Stoughton Playground Commission.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-30. Voting.**

§ 311-30. Voting.

It shall be the duty of every member to vote on all questions, motions and resolutions submitted for action unless excused by the Committee from so doing. A majority vote of all members

present is required for the election of officers or for any other action, unless otherwise indicated in the rules and regulations. The ayes and nays on any vote shall be recorded whenever any member of the Committee present requests it. Any vote passed by the majority, although not unanimous, thereby becomes the will of the Committee and shall be supported as such by all its members. Minority reports may be filed if desired.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-31.
Amendments to regulations.**

§ 311-31. Amendments to regulations.

Any rule or regulation may be amended by a majority vote of the whole Committee, provided that the proposed amendment has been presented in writing at a previous meeting and a copy of the proposed amendment given to each member.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-32. Suspension
of rules.**

§ 311-32. Suspension of rules.

Any rule or regulation may be temporarily suspended at any meeting until the next meeting by majority vote of the whole Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-33. Rules of
conduct for meetings and business.**

§ 311-33. Rules of conduct for meetings and business.

The conduct of meetings and the business of the Committee shall be in accordance with the laws of the state, the Town Charter and the rules of parliamentary practice as laid down in Robert's Rules of Order, Revised Edition.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-34. Order of
business.**

§ 311-34. Order of business.

At all regular meetings of the Committee, the order of business shall be as follows:

- A. Roll call.
- B. Approval of the minutes of preceding meeting.
- C. Hearings.
- D. Unfinished business.
- E. Reading of communications.
- F. Superintendent's report and recommendations.
- G. Financial and statistical reports.
- H. Approval of bills.
- I. New business.
- J. Adjournment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-35. Notification
of meetings; agenda.**

§ 311-35. Notification of meetings; agenda.

The Superintendent of Schools shall notify members of all meetings and send to each member an agenda for all regular and special meetings and the minutes of the previous regular and/or special meeting at least 24 hours before the meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL**

COMMITTEE / ARTICLE II, Organization and Procedures / § 311-36. Petition for hearing. [Amended 9-24-1968]

§ 311-36. Petition for hearing. [Amended 9-24-1968]

Any resident of the Town may petition for a hearing with the School Committee through a letter, received at least 24 hours before the date of a regular meeting. The letter must indicate the subject matter for the hearing. No hearings shall be granted without a vote of the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-37. Complaints
or appeals.**

§ 311-37. Complaints or appeals.

Complaints to the Committee or appeals from the rulings of the Superintendent shall be presented to or referred to the Superintendent in writing for presentation to the Committee, with a copy to the Chairman of the School Committee of the grievance and the relief desired, or the complainant shall appear before the Committee in person in accordance with the requirements of § 311-36.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-38.
Reconsideration of previous actions.**

§ 311-38. Reconsideration of previous actions.

No action of the Committee shall be reconsidered or rescinded at a subsequent meeting except by a vote of a majority of all the members of the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE II, Organization and Procedures / § 311-39. Submission
of material for discussion or vote.**

§ 311-39. Submission of material for discussion or vote.

A member wishing to submit material for discussion or vote to a meeting will submit such material to the Superintendent of Schools by 12:00 noon on Monday, the day previous to the meeting, for inclusion on the agenda of the meeting. Emergency matters may be acted upon with the approval of the majority of the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE III, Duties of Officers**

ARTICLE III, Duties of Officers

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE III, Duties of Officers / § 311-40. Chairman.**

§ 311-40. Chairman.

- A. The Chairman shall preside at all meetings of the Committee and shall perform such other duties as are usually incumbent upon a presiding officer. He shall have the right, as other members, to discuss questions and vote thereon. At the request of any member, the Chairman shall require the Recording Secretary to record the maker and seconder of the motion and call the roll and record the "ayes" and "nays" upon any motion before the Committee. He shall present the diplomas at the annual graduation exercises or shall delegate a member of the Committee to do so.
- B. In case of the death, disability or absence from the Town of the Superintendent of Schools, the Chairman of the Committee shall designate some properly qualified person to perform his duties; if, however, the necessity for an Acting Superintendent shall extend beyond the date of the regular meeting of the School Committee, said School Committee shall designate who shall perform the duties until the return of the Superintendent, or until the position is legally filled. In all cases, the person designated as Acting Superintendent must meet the certification requirements for Superintendent as prescribed by the Massachusetts Board of Education.
- C. In the absence of the Chairman, the Committee shall be called to order by the Secretary or, in the absence of both, by the Superintendent of Schools, and a vote of the Committee shall be taken to elect a Chairman pro tem, who shall preside.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE III, Duties of Officers / § 311-41. Signing of official
communications.**

§ 311-41. Signing of official communications.

The Chairman or the Secretary as so delegated for the Stoughton School Committee shall sign all official communications on all action taken by the Committee at regular or special meetings, except communications to the employees of the Stoughton Public Schools.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE III, Duties of Officers / § 311-42. Secretary.**

§ 311-42. Secretary.

The Secretary shall be responsible for special official communications of the Committee as may be delegated to him by the Committee. Annually, at the first meeting in January, he shall submit a report which, when approved by the School Committee, shall become the annual report of the School Committee for the previous calendar year.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE III, Duties of Officers / § 311-43. Recording Secretary.**

§ 311-43. Recording Secretary.

The Recording Secretary shall keep a correct record of the proceedings of the Committee, noting the names of the members present at each meeting; preserve all paper relating to the business of the Committee; and perform such other duties as the office may require. Full and accurate approved records of all meetings held by the Committee shall be kept in a book in the office of the Superintendent of Schools accessible at any time to the members of the Committee or to the public for inspection.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties**

ARTICLE IV, Committee Responsibilities and Duties

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-44.
Source.**

§ 311-44. Source.

The power and duties of the Committee shall be as conferred and prescribed by statute. Complete and final control as to all matters pertaining to the educational system of the Stoughton Public Schools shall be vested in the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-45.
Activities as legislative body.**

§ 311-45. Activities as legislative body.

The Committee shall act as a legislative body in the determination of the policies for the control, operation, maintenance and expansion of the public schools.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-46.
Establishment and implementation of policy.**

§ 311-46. Establishment and implementation of policy.

The Committee shall be the policy-forming body of the Stoughton Public Schools and, with the assistance of the Superintendent of Schools and administrative staff, shall establish general policies governing the operation of the schools. Having adopted these policies, the Committee shall designate to its chief executive officer, the Superintendent of Schools, the authority to carry them out and shall require of him such reports as are deemed necessary to determine both the manner in which they have been administered and the wisdom of the policies themselves.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-47.
Scope and nature of educational program.**

§ 311-47. Scope and nature of educational program.

The Committee, on the basis of policies established, shall determine the general scope and nature of the educational program, including such matters as the number and types of schools and departments to be maintained and the variety and character of the services to be provided.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-48.
Election of Superintendent of Schools.**

§ 311-48. Election of Superintendent of Schools.

The Committee shall elect a properly qualified person to be Superintendent of Schools and shall fix his salary. Such election shall take place whenever a vacancy occurs. A majority vote of all members of the Committee shall be required to elect.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-49.
Other personnel.**

§ 311-49. Other personnel.

It shall be the duty of the Committee to employ and the duty of Superintendent of Schools to recommend for Committee approval all personnel which may be necessary for the proper operation of the schools in keeping with the personnel policies of the Committee.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-50.
Employment qualifications.**

§ 311-50. Employment qualifications.

The Committee shall adopt suitable regulations for all employees with reference to qualifications for employment in various types of positions, salary schedules, leaves of absence and other personnel policies.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-51.
Budget.**

§ 311-51. Budget.

Each year, as required by law, the Committee shall adopt an annual budget, after due consideration of such administrative and financial reports as may be required.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-52.
Finances.**

§ 311-52. Finances.

The Committee shall determine all financial policies not specifically defined by state law and shall exercise general supervision over the finances of the school system in keeping with regular budgetary procedures.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-53.
Textbooks and courses of study.**

§ 311-53. Textbooks and courses of study.

The Committee, with the advice of the Superintendent, shall adopt textbooks and approve courses of study.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 311, SCHOOL
COMMITTEE / ARTICLE IV, Committee Responsibilities and Duties / § 311-54.
Appeals.**

§ 311-54. Appeals.

The Committee shall act as a body of final appeal for citizens or personnel with requests or complaints not covered specifically by these rules.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL**

Chapter 318, ZONING BOARD OF APPEAL

[HISTORY: Adopted by the Zoning Board of Appeal of the Town of Stoughton 6-17-1980 (Ch. 253 of the 1983 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning -- See Ch. 200.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-1. Meetings and hearings.**

§ 318-1. Meetings and hearings.

The Board shall meet at 7:45 p.m. sharp, Town Hall, 10 Pearl Street, Stoughton, Massachusetts, on the first and third Thursdays of each and every month, excepting when the same shall fall on a holiday, in which event the Board shall meet on the following scheduled Thursday at the same time and place. The first hearing shall begin at 8:00 p.m., and no new hearings shall be opened after 11:00 p.m. Any hearings not opened shall be rescheduled by the Board. The Board shall meet at such other times and places as the Chairman may, in his judgment, see fit to call the same. Meetings other than regular meetings of the Board shall be at the call of the Chairman, who shall notify each member not less than 48 hours before such meeting, and posted at Town Hall not less than 48 hours before such meeting.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-2. Powers and duties of Chairman.**

§ 318-2. Powers and duties of Chairman.

The Chairman or, in his absence, the Acting Chairman, who shall be chosen by the remaining members from their own number, may summon witnesses, administer oaths and call for the production of papers, documents and the like as he, in his judgment, may deem necessary or incidental to the proper consideration of the cause then in hearing.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-3. Procedure for appeals and petitions.**

§ 318-3. Procedure for appeals and petitions.

Appeals and petitions for variances shall be in writing and supported by plans or drawings prepared by a competent draftsman, which plans or drawings shall show what is proposed and the relation the proposal and existing buildings, if any, on the property of the petitioner have to land and buildings of the abutting owners. Appeals shall be filed with the Board or an officer from whose decision the appeal is taken. Petitions for variances shall be filed with the Zoning and Building Inspector for the Town of Stoughton.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-4. Fees; notice to adjoining property owners.**

§ 318-4. Fees; notice to adjoining property owners.

Appeals and petitions for variances and for other relief or permits of the Board shall be accompanied with a fee in the sum of \$50 for the first 25 abutters to be notified of the public hearing. For every additional 25 abutters, the petitioner will be charged an additional \$10. The petitioner is required to estimate the number of abutters that will be immediately affected by the petition. This additional fee must be paid before the public hearing. The fee is to defray the expense of publication, mailing, etc. In the event that there are more than 100 abutters, there shall be only one public hearing scheduled for that night. There shall be no more than four hearings scheduled for any one evening.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-5. Restrictions on granting variances or special
permits.**

§ 318-5. Restrictions on granting variances or special permits.

If there is a dash (-) in Chapter 200, Zoning, Table of Use Regulations, the Board cannot grant a variance or special permit.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-6. Dismissal for failure to appear.**

§ 318-6. Dismissal for failure to appear.

In the event that an appellant or petitioner or an authorized representative thereof shall fail to appear before the Board at the time and place set forth for the hearing ascertained in the legal notice thereof published in the newspaper, the matter before the Board shall be dismissed without prejudice.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-7. Time limit for filing appeals.**

§ 318-7. Time limit for filing appeals.

Appeals shall be filed with the Board or officer from whose decision the appeal is taken within 21 days following the date that the notice of the decision which is to be appealed has been received from the Board or officer involved.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-8. Interval between publications and hearing.**

§ 318-8. Interval between publications and hearing.

Appeals and petitions for variances shall be heard by the Board of Appeal at the next regular

meeting following publication in the newspaper, but in no case shall the interval between publication and the hearing be less than that prescribed by Chapter 40A of the General Laws, as amended.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-9. Alternate members.**

§ 318-9. Alternate members.

In the event that a regular member of the Board of Appeal is able to ascertain that he shall be unable to attend any regular meeting or public hearing, he shall notify the Chairman prior to such meeting or hearing in order that provisions may be made by the Chairman for an alternate member to sit in his stead.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-10. Statutory authority.**

§ 318-10. Statutory authority.

All proceedings of the Zoning Board of Appeal shall conform with the provisions of Chapter 40A (General Laws, Ter. Ed.), as amended and as amended by Chapter 808 of 1975.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-11. Conduct of hearings.**

§ 318-11. Conduct of hearings.

The Board shall conduct all Chapter 744 hearings as the suggested rules and regulations suggest in the Massachusetts Federation of Planning Boards Handbook, pages 36 and 37.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / PART IV MISCELLANEOUS REGULATIONS / Chapter 318, ZONING
BOARD OF APPEAL / § 318-12. Special permit requirements. [Added 6-17-1982]**

§ 318-12. Special permit requirements. [Added 6-17-1982]

The Board shall require, under Section V, Subsection D, Table of Use Regulations, Accessory uses, Item No. 3, Accessory professional office of a licensed medical or dental practitioner, lawyer, professional engineer or professional architect in an existing dwelling, that the petitioner reside in the building for which the special permit is requested.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / APPENDIX**

APPENDIX

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / APPENDIX / Chapter A324, GENERAL LAW ACCEPTANCES**

Chapter A324, GENERAL LAW ACCEPTANCES

The following is a list of the Massachusetts General Laws accepted by the Town of Stoughton:

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / APPENDIX / Chapter A324, GENERAL LAW ACCEPTANCES /
§ A324-1. List of acceptances.**

§ A324-1. List of acceptances.

Year Accepted	Acts Of	Chapter and/or Section	Subject
1900	1899	344	To make eight hours a day's work for city and Town employees
1901		102 (revised laws)	Licensing of junk and secondhand dealers

Year Accepted	Acts Of	Chapter and/or Section	Subject
1902		49, § 43 (revised laws)	
1906	1903	202 as amended by c. 44, Acts of 1904	Street railway franchises
		19, § 37 (revised laws)	Putting police under civil service
1907	1907	505	Allowing Stoughton to refund certain indebtedness
1909	1908	209	Protection of forest and sprout land from fire
1910	1907	360, § 366	Election of Board of Health
	1909	423	Licensing of ice cream parlors for Sunday business
1911	1908	452	Watering of public streets
1912	1911	468	Extending civil service to include Chief of Police
1913	1911	751	Industrial accident compensation
1914	1909	514, § 42, as affected by Acts of 1911, c. 494	Eight-hour day for municipal employees
	1913	807	Municipal employees' accident compensation
	1913	487	Firemen subject to call
	1914	217	Vacations of laborers employed by cities and towns

Year Accepted	Acts Of	Chapter and/or Section	Subject
1918	1917	23	Licensing of coffeehouses
1919	1916	293	Licensing of taxis (accepted with provision that bonds in amount of \$400 be posted)
1920	1920	166	One day off in eight for police without loss of pay
1922		32, § 85	Retirement of permanent members of Fire and Police Departments
1929	1928	406, § 2	Sports and games on Sunday
		140, §§ 188, 189, 190	Licensing of picnic groves
		140, §§ 194, 195, 196	Licensing renters of boats and bathing suits
1934		40, § 42(a) to (f)	Collection of water rates
1935		31, § 48	Civil service for Fire Department
1936		31, § 48	Civil service laws to govern promotion of call firemen
1938		139, §§ 1, 2, 3	Empowering municipalities to order the demolition of dangerous buildings
		40, § 6b	Purchase of police and fire uniforms
		32, § 89	Compensation to families of members of Police and Fire Departments who die in the line of duty
1939		147, § 16B	One day off in six for members of Police Department

Year Accepted	Acts Of	Chapter and/or Section	Subject
	1936	403	Extending workmen's compensation to all Town employees other than members of the Police and Fire Departments
1942		85 as amended by c. 710, Acts of 1914	Registration of bicycles
		76, § 11	Authorizing School Committee to collect from institutions whose inmates attend Stoughton public schools
1945		94, §§ 120, 120a	Licensing and regulation of slaughterhouses
1946	1945	723	Establishing Department of Veteran's Services
		32, §§ 1 to 28	Establishing a retirement system for two employees
1948		265	Closing of public offices on Saturdays
		40, § 16	Empowering Town Manager to tow away automobiles hindering snow removal
		136, § 4b	Empowering Selectmen to grant licenses to bowling alleys on Sundays
		159, § 61 to 64	Empowering Selectmen or Town Manager to purchase land in Stoughton for the purpose of correcting grade crossings
1949		139, §§ 1, 2, 3, as amended by c. 111, §§ 123 to 125	Empowering Selectmen to remove or otherwise dispose of dangerous buildings

Year Accepted	Acts Of	Chapter and/or Section	Subject
		140, §§ 132 to 136	Empowering Selectmen to conduct investigations for smoke nuisance prevention
		41, § 100a	Personal liability and property insurance for Town officers and employees operating motor vehicles
		143, § 3	Criterion for building materials, permits, inspections and fees
1950		54, § 103a	Absentee voting in Town elections
1951	1950	338	Temporary minor repairs on public roads
1953	1952	624	Increasing amount of pension and retirement allowances to certain former public employees
		74	Authorizing schools to establish vocational education
		40, § 27a	Reconsideration of rezoning after unfavorable action
1954		41, § 111a	Granting vacations for members of regular or permanent police and fire forces in certain cities and towns
1954		40, § 36a	Municipal advertising
	1954	297	Establishing an Industrial Commission
1956	1955	670	Increasing pensions and retirement allowances of certain former employees

Year Accepted	Acts Of	Chapter and/or Section	Subject
	1956	401	Protection for civil defense volunteers driving publicly owned vehicles
1957		39, § 20	Precinct voting for Town officers
1958		143, §§ 3 to 6	Inspection and regulation of buildings
1960	1959	493	Increasing the pension of every employee under the contributory retirement system by \$100 under certain conditions specified
1961	1960	647	Retirement benefits of certain former public employees
		166, § 32	Appointment of Inspector of Wires
	1960	737	Appointment of Gas Inspector
1962		40, § 22d	Authorizing towing of vehicles parked in violation of the law
		71, §§ 14 to 161	Establishing a regional vocational school district planning committee
	1961	609	Establishing a regional incinerator planning committee
		221, § 26qq	Establishing a redevelopment authority
1963		40, § 8c	Conservation Commission
1964	1963	478	Increase in amounts of certain pensions, retirement allowances or annuities for certain employees and widows of deceased employees
1967		41, § 111g	Annual vacations for certain employees of certain cities and towns

Year Accepted	Acts Of	Chapter and/or Section	Subject
1968	1966	117	Increase amount of noncontributory pensions paid to former policeman and firefighters
1971	1970	835	Career incentive pay program for regular full-time police officers and partial reimbursement by commonwealth for certain cities and towns
1973		44, § 53c	Deposit in separate fund of moneys received for payment for off-duty work details of police
1975	1974	670	Rights and responsibilities of public secondary school students
1976		40, § 8e	Authorizing establishment of Youth Commission
1978	1977	639	Expenditures by school committees of receipts from certain programs
	1977	665	Permitting establishment in cities and towns of recreation and parks self-supporting revolving funds
1980		40, § 8	Mutual aid agreements for police departments
	1980	217	Raise limit for item to be bid from \$2,000 to \$4,000
1981		90, § 20a 1/2	Collection of parking fines by Town
		40, § 13	Establish Municipal Building Insurance Fund

Year Accepted	Acts Of	Chapter and/or Section	Subject
1982	1981	606	Regulate certain premises to serve alcohol
1982	1981	743	Further regulate real estate exemptions (elderly)
		148, § 26c	Smoke detectors in certain dwellings
		339, § 53e	Allocation of anticipated receipts
1983 (ATM, Art. 9)	1981	644	Parking areas for vehicles of disabled veterans or handicapped persons
1983 (STM, Art. 12)	1982	653, cl. 41B	Relief from impact of revaluation
1984 (ATM, Art. 38)	1982	597	License plates for former prisoners of war
1986 (STM, Art. 4)	1985	275	Water conservation pricing system for cities and towns
1986 (STM, Art. 5)	1985	640	Granting or renewal of local licenses and permits
1986 (STM, Art. 11)		MGL c. 148, § 26E	Smoke detectors in private dwellings
1986 (STM, Art. 12)		MGL c. 148, § 26G	Installation of automatic sprinkler systems

Year Accepted	Acts Of	Chapter and/or Section	Subject
1987 (STM, Art. 6)		MGL c. 59, § 5, cl. 17D	Relief from impact of revaluation
1987 (ATM, Art. 14)	1986	306	Establishing an enterprise fund for the Water, Sewer and Public Health Department
1987 (ATM, Art. 15)		MGL c. 40, § 4A	Governmental units authorized to contract relative to performance of public service
1988 (STM, Art. 14)	1987	176	Payment of funeral and burial expenses of certain police officers and fire fighters
1988 (ATM, Art. 41)	1986	73, § 3	Relief from the impact of revaluation
1988 (ATM, Art. 49)	1987	236	Expenditure of default funds by Planning Board
1989 (ATM, Art. 44)	1988	245	Expenditure of default funds
1990 (STM, Art. 5)	1989	642	Installation of automatic sprinkler systems
1992 (ATM, Art. 53)	1991	138, § 123	Setting municipal fees and charges

Year Accepted	Acts Of	Chapter and/or Section	Subject
1993 (STM, Art. 15)		MGL c. 147, § 10F	Parking control officers
1993 (ATM, Art. 63)		MGL c. 32, § 22D	Retirement system funding schedule; establishment; annual pension funding grants
1993 (ATM, Art. 65)	1992	42	Recreation and park self-supporting service revolving funds
1994 (ATM, Art. 59)	1992	42	Recreation and park self-supporting service revolving funds
1997 (STM, Art. 9)		MGL c. 140, § 147A (as amended Acts 1985, c. 308)	Authorizing Town to retain all fees collected from sale of dog licenses or received as fines
1999 (ATM, Art. 37)		80, § 13B	Allowing payment deferral agreements between Town and elderly taxpayers eligible for exemptions under MGL c. 59, § 5, cl. 41A
2000 (ATM, Art. 47)	1999	127, § 59	Property tax liability reduced in exchange for volunteer services; persons over age 60
2003 (ATM, Art. 28)		32B, § 9D	Payment of certain premium costs of surviving spouse of an employee or retired employee
2008 (Question 2, Annual Town Election)		44B, §§ 3 through 7	Community Preservation Act

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / APPENDIX / Chapter A326, SPECIAL ACTS**

Chapter A326, SPECIAL ACTS

The following is a list of the Special Acts applicable to the Town of Stoughton not included in the Code. The complete text of these Acts is available in the office of the Town Clerk.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / APPENDIX / Chapter A326, SPECIAL ACTS / § A326-1. List of
Special Acts.**

§ A326-1. List of Special Acts.

Year	Chapter	Description
1726		Dividing Town of Dorchester and erecting a new town by the name of Stoughton
1911	86	Authorizing Stoughton to construct sewage system
1921		Establishing Town Manager form of government
1924	303	Boundary line between Stoughton and Sharon established
1928	384	Admitting Towns of Canton, Norwood, Stoughton and Walpole to South Metropolitan Sewerage District
1935	283	Subjecting the office of Chief Engineer of the Fire Department of the Town of Stoughton to the civil service laws
1938	283	Sewer assessments
1941	705	Authorizing the Town of Stoughton to supply water to the Town of Avon

Year	Chapter	Description
1949	46	Validating the later registration of voters in the Town of Stoughton for the Annual Town Meeting to be held in the current year
	213	Establishing representative town government by limited Town Meetings
1950	406	Authorizing the Town of Stoughton to borrow money for school purposes 20 years
	436	Providing that the positions of call firemen in the Town of Stoughton shall not be subject to the civil service laws and rules with respect to appointments made hereafter
	581	Authorizing the Town of Stoughton to pay an annuity to the Widow of Charles L. Wade, a former member of the fire department of said Town
1951	289	Increasing the amount of money which the Town of Stoughton may borrow for school purposes
	291	Authorizing the Town of Stoughton to borrow money for the purpose of making extraordinary repairs and alterations and for remodeling public buildings
	682	Validating certain proceedings of the Town of Stoughton
	425	Validating the election of Town meeting members of the Annual Town Meeting and election of the Town of Stoughton in the year 1951
1952	6	Annual sewer rental or charges
1954	165	Authorizing the Town of Stoughton to accept in deferred or installment payments with interest the cost of certain sewer connections made in said Town
1957	279	Establishing the boundary line between the Town of Sharon and Stoughton

Year	Chapter	Description
1960	194	Authorizing the division of the Town of Stoughton for the purpose of facilitating voting therein at biennial state primaries and elections
	354	Placing the offices and positions in the department of public works of the Town of Stoughton under the civil service laws
	511	Designating the bridge on the Fall River Expressway over Page Street in the Town of Stoughton as the Seaman Second Class William H. Bissett, Jr. Bridge
	579	Designating the bridge over the Fall River Expressway on Lindelof Avenue in the Town of Stoughton as the Sergeant Karl W. Buschenfeldt, Jr. Bridge
1980	417	Interest rates, certain sewer connections
1981	583	Interest rates, sewer assessments
1987	261	Authorizing dissolution of Firefighters Relief Association
1989	317	Continuing employment of Chief of Police William Gross
1990	62	Charter amendment (date of annual Town election)
1990	91	Charter amendment (date of Annual Town Meeting)
1991	117	Authorizing Town to pay for architectural and consulting services
1991	120	Authorizing Town to pay for School Committee Construction materials
1993	199	Designating portion of Route 138 as the Charles H. Lane Amvets Post 1977 Highway
1993	250	Charter amendment (appointment of Chief of Police)
1996	352	Authorizing Town to convey a certain parcel of recreation land

Year	Chapter	Description
1997	30	Exemption Chief of Fire Department from provisions of the civil service law
1997	190	Authorization to pay certain unpaid bills
1998	213	Validating acts of Annual and Special Town Meetings held May 5, 1997
1998	445	Charter amendment (date of Town elections)
1999	18	Designating Route 138 as Veterans of Foreign Wars Memorial Highway
2000	2	Apportionment of sewer costs
2001	165	Requiring Massachusetts Water Resources Authority to provide water to Town
2004	333	Authorizing Secretary of State to place questions of recall on state election ballot in Town

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / DERIVATION TABLE**

DERIVATION TABLE

Town of Stoughton

Derivation Table of 1983 Code to 2005 Code

Chapter Title From 1983 Code Location in 2005 Code

Chapter	Title From 1983 Code	Location in 2005 Code
	Charter	Charter
1	General Provisions	Chapter 1
7, Art. I	Alcoholic beverages – Consumption in Public	Chapter 59
11	Amusement Devices	Chapter 62
16	Board of Selectmen	Chapter 5
20	Building Construction	Chapter 70
35	Dogs and Other Animals	Chapter 78
42	Electrical Standards (reference page only)	Removed
46	Entertainment	Chapter 89
50	Fees	Chapter 96
59	Fire Prevention	Chapter 100
70	Gas and Plumbing Standards (reference page only)	Removed
75	Handbills and Posters	Chapter 109
76	Handicapped Parking	Chapter 133, Art. I
77	Hazardous Materials Groundwater Protection	Chapter 107
78	Hazardous Materials	Chapter 113
81	Health and Sanitation (reference page only)	Removed
87	Inspectors	Chapter 22
92	Junk Dealers	Chapter 122

Chapter	Title From 1983 Code	Location in 2005 Code
98	Licenses and Permits	Chapter 124
100	Loitering	Chapter 128
120	Peace and Good Order	Chapter 136
124	Peddling and Soliciting	Chapter 140
137	Smoking in Public Buildings	Chapter 153, Art. II
140	Smoking in Restaurants	Chapter 153, Art. I
141	Secondhand Jewelry	Chapter 146
142	Soil Removal (reference page only)	Removed
148	Streets and Sidewalks	Chapter 162
149	Prohibited Parking	Chapter 133, Art. II
152	Taxicabs	Chapter 171
155, Art. I	Town Meetings – Identification of Articles	Chapter 47, Art. I
160	Abandoned Vehicles	Chapter 176
165	Visibility at Intersections	Chapter 180
170	Water	Chapter 188
175	Water Meter Testing for Privately Owned Meters	Chapter 189
175	Zoning (reference page only)	Chapter 200
178	Wetlands Protection	Chapter 191
179	Access to Town Counsel	Chapter 205
181	Site Plan Review	Chapter 149
183	Alcoholic Beverages	Chapter 209

Chapter	Title From 1983 Code	Location in 2005 Code
188	Board of Selectmen Rules of Procedure	Chapter 254
193	Common Victualler License	Chapter 270
196	Conservation Commission	Chapter 287
206	Intergovernmental Relations Committee	Chapter 293
212	Library	Chapter 299
216	Massage Businesses	Chapter 282, Art. I
230	School Committee	Chapter 311
234	Sewer Connections	Chapter 258, Part 1
236	Sewer Use	Chapter 258, Part 2
240	Subdivision of Land (reference page only)	Removed
245	Traffic	Chapter 266
253	Zoning Board of Appeal	Chapter 318
A256	Acceptance of General Laws	Chapter A324
A257	Special Acts	Chapter A326

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / DISPOSITION LIST**

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Stoughton adopted since the 2005 republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be

non-Code material (NCM).] The last legislation reviewed for the 2005 republication of the Code was 6-23-2004 ATM, Art. 43.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated
07-01-2010 / DISPOSITION LIST / § DL-1. Disposition of legislation.**

§ DL-1. Disposition of legislation.

Enactment	Article No.	Subject	Disposition
5-2-2005 ATM	31	Capital outlay purchases amendment	Ch. 47, Art. II
5-2-2005 STM	22	Stormwater management: acceptance of systems	Repealed by ATM 5-1-2006, Art. 74
5-1-2006 ATM	23	Defibrillators	Ch. 76
5-1-2006 ATM	73	Zoning amendment (Stoughton Center Mixed Use Overlay District)	Ch. 200
5-1-2006 ATM	74	Stormwater management	Ch. 159
5-7-2007 ATM	59	Charter amendment: elections	§ C8-8
5-7-2007 ATM	66	Fire alarm systems amendment	Ch. 55, Art. II
5-7-2007 ATM	67	Fire prevention amendment	Ch. 100
5-7-2007 ATM	70	Defibrillators amendment	Ch. 76
5-5-2008 ATM	40	Town Planner	Ch. 9, Art. II
5-5-2008 ATM	43	Outdoor water use	Ch. 188, Art. II
5-5-2008 ATM	47	Zoning Map amendment	NCM
5-4-2009 ATM	43	Community Preservation Committee	Ch. 10

Enactment	Article No.	Subject	Disposition
5-4-2009 ATM	44	Licenses and permits amendment	Ch. 124
5-4-2009 ATM	46	Demolition of buildings	Ch. 77
5-4-2009 ATM	51	Zoning amendment	Ch. 200
5-4-2009 ATM	53	Zoning Map amendment	NCM
5-4-2009 ATM	59	Charter amendment: Representative Town Meeting	§ C7-6
5-4-2009 ATM	60	Charter amendment: Representative Town Meeting	§ C7-7
9-30-2009 STM	10	Charter amendment: elections	§ C8-2

Endnotes

1 (Popup - Popup)

Editor's Note: The 2007 Special Town Meeting accepted MGL c. 44B, known as the "Community Preservation Act." This acceptance was ratified as Ballot Question No. 2 at the 2008 Annual Town Election. Massachusetts General Laws c. 44B, § 5, requires that a town that accepts the Community Preservation Act establish a Community Preservation Committee whose membership represents specific executive Town boards, commissions, councils, committees or authorities whose programs or purposes may be funded through state grants and locally assessed receipts.

2 (Popup - Popup)

Editor's Note: So in original. Probably should be MGL c. 44B, § 5.

3 (Popup - Popup)

Editor's Note: See MGL c. 138.

4 (Popup - Popup)

Editor's Note: The Building Code in effect for the Town of Stoughton is the Uniform Massachusetts Building Code, Chapter 143, Massachusetts General Laws (Chapter 802 - 1972). Copies are on file in the office of the Building Commissioner.

5 (Popup - Popup)

Editor's Note: MGL c. 21, § 52, was repealed 1979, 704, Sec. 1.

6 (Popup - Popup)

Editor's Note: See Ch. 191, Wetlands Protection.

7 (Popup - Popup)

Editor's Note: This Art. 74 also repealed former Ch. 159, Stormwater Management, adopted 5-2-2005 STM, Art. 22.

8 (Popup - Popup)

Editor's Note: The Massachusetts Surface Water Quality Standards.

9 (Popup - Popup)

Editor's Note: The Subdivision Regulations are on file in the Town offices.

10 (Popup - Popup)

Editor's Note: See the Wetlands Protection Act, MGL c. 131, §§ 40 and 40A.

11 (Popup - Popup)

Editor's Note: See the Wetlands Protection Act, MGL c. 131, §§ 40 and 40A.

12 (Popup - Popup)

Editor's Note: See the Wetlands Protection Act, MGL c. 131, §§ 40 and 40A.

13 (Popup - Popup)

Editor's Note: See the Wetlands Protection Act, MGL c. 131, §§ 40 and 40A.

14 (Popup - Popup)

Editor's Note: The Table of Use Regulations is included at the end of this chapter.

15 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

16 (Popup - Popup)

Editor's Note: The definition of "dwelling, multifamily," which immediately followed this definition, was repealed 6-23-1975 TM, Art. 15.

17 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

18 (Popup - Popup)

Editor's Note: See MGL c. 131, §§ 40 and 40A.

19 (Popup - Popup)

Editor's Note: See MGL c. 131, §§ 40 and 40A.

20 (Popup - Popup)

Editor's Note: See MGL c. 40A.

21 (Popup - Popup)

Editor's Note: See MGL c. 40A.

22 (Popup - Popup)

Editor's Note: The Table of Use Regulations is included at the end of this chapter.

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Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

26 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

27 (Popup - Popup)

Editor's Note: See MGL c. 93, § 29.

28 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

29 (Popup - Popup)

Editor's Note: See MGL c. 40A, § 6.

30 (Popup - Popup)

Editor's Note: See MGL c. 41, §§ 81K through 81GG.

31 (Popup - Popup)

Editor's Note: See MGL c. 40A.

32 (Popup - Popup)

Editor's Note: See MGL c. 40A, § 15.

33 (Popup - Popup)

Editor's Note: The Table of Use Regulations is included at the end of this chapter.

34 (Popup - Popup)

Editor's Note: The Table of Use Regulations is included at the end of this chapter.

35 (Popup - Popup)

Editor's Note: See § 200-42, Table of Off-Street Parking Regulations.

36 (Popup - Popup)

Editor's Note: See MGL c. 41, §§ 81K through 81GG.

37 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

38 (Popup - Popup)

Editor's Note: Former Subsection 8, which immediately followed this subsection, was repealed 6-23-1975 TM, Art. 26.

39 (Popup - Popup)

Editor's Note: Former Subsection E, Planned Unit Development, which immediately followed this subsection, was repealed 6-10-1974 TM, Art. 3.

40 (Popup - Popup)

Editor's Note: The Table of Density and Dimensional Regulations is included at the end of this chapter.

41 (Popup - Popup)

Editor's Note: See § 200-42, Table of Off-Street Parking Regulations.

42 (Popup - Popup)

Editor's Note: See MGL c. 41, §§ 81K through 81GG.

43 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this

chapter.

44 (Popup - Popup)

Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.

45 (Popup - Popup)

Editor's Note: The Table of Use Regulations is included at the end of this chapter.

46 (Popup - Popup)

Editor's Note: See MGL c. 40A, § 5.

47 (Popup - Popup)

Editor's Note: See MGL c. 41, §§ 81K through 81GG.

48 (Popup - Popup)

Editor's Note: Said map is on file in the Town offices.

49 (Popup - Popup)

Editor's Note: Said table is included at the end of this chapter.

50 (Popup - Popup)

Editor's Note: See § 200-42 for said table.

51 (Popup - Popup)

Editor's Note: See §§ 200-43 and 200-44.

52 (Popup - Popup)

Editor's Note: See Art. XIV, Site Plan Review, in this chapter.

53 (Popup - Popup)

Editor's Note: See Art. XIV, Site Plan Review, in this chapter.

54 (Popup - Popup)

Editor's Note: See Art. XIV, Site Plan Review, in this chapter.

55 (Popup - Popup)

Editor's Note: See Art. VIII, Signs, in this chapter.

56 (Popup - Popup)

Editor's Note: See MGL c. 40, § 22D.

57 (Popup - Popup)

Editor's Note: MGL c. 71, § 30A, was repealed 1986, 195.

58 (Popup - Popup)

Editor's Note: MGL c. 71, §§ 46, 46A and 46H, were repealed 1972, 766, § 10.

59 (Popup - Popup)

Editor's Note: MGL c. 71, § 46E, was repealed 1972, 766, § 10. See now MGL c. 19B, § 17.

60 (Popup - Popup)

Editor's Note: MGL c. 71, § 55B, was repealed 2003, 46, § 81.