

Article I – General Provisions

- Section 1. The following provisions shall constitute the Revised General By-Laws of the Town of Templeton, which shall be in lieu of all by-laws heretofore in force. Starting in the year 1951, the By-Laws shall be published every five years in booklet form, together with amendments, additions and deletions thereto.
- Section 2. The repeal of a by-law shall not thereby have the effect of reviving any by-law theretofore repealed.
- Section 3. Words and phrases specifying or naming any officer, board or committee of the town, shall be construed as including the lawful successor, or the person or persons having the powers and performing the duties of such officers, board or committee.
- Section 4. Whoever violates any of the provisions of these by-laws whereby any act or thing is enjoyed or prohibited, shall, unless other provisions is expressly made, forfeit and pay a fine not exceeding twenty dollars for each offense.

Sections 1-4 Passed 3-5-51

Article II – Town Meetings

- Section 1. The Annual Town Meeting for the election of town officers shall be held on the first Monday of May of each year. Passed 3-5-51, Amended 3-10-73, Approved by A/G 7-27-73
- Section 2. All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held on the second Tuesday, thereafter at a time and place designated by the Board of Selectmen. Passed 11-14-85
- Section 3. The polls shall be opened at eleven (11:00) o'clock in the morning and shall remain open until seven (7:00) o'clock in the evening. The place of voting in each precinct shall be designated by the Selectmen in the town warrant.
- Section 4. Notice of every Town Meeting shall be given by posting attested copies of the warrant therefore in a public place in each Precinct as directed by the Selectmen not less than seven (7) days before the day fixed for the Annual Town Meeting, and not less than fourteen (14) days before the day fixed for a Special Town Meeting, and notice of said Town Meeting shall be published in a local newspaper. Passed 8-31-78
- Section 5. Warrants for Annual Town Meeting and Special Town Meetings shall be open for a minimum of 14 days before closing and posting the warrants. Passed 5-12-04

- Section 6. All articles in any warrant for a town meeting shall be referred to the Advisory Committee for its consideration. The Selectmen after drawing any such warrant shall transmit immediately a copy thereof to the chairman of said committee. A public hearing shall be held, upon all such articles, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by inserting in the local newspaper. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens. Copies of the report of the Advisory Committee shall be made available to the voters at least two days before town meetings and at all town meetings.
- Section 7. The Selectmen shall appoint checkers, who shall permit only registered voters to enter upon the floor of the Annual or any town meeting; the balcony shall be opened to the public.
- Section 8. Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by the vote of the meeting.
- Section 9. All motions having to do with the expenditure of money shall be presented in writing; other motions shall be in writing if so directed by the Moderator.
- Section 10. Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.
- Section 11. When a question is put, the sense of the meeting shall be determined by the voices of the voters and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the sound of the voices, or if his decision is immediately questioned by seven or more voters rising in their places for that purpose, he shall determine the vote by ordering a show of hands, and he may appoint tellers to make and return the count. Passed 3-5-51 On Matters requiring a Two-Thirds Vote by statue a count need not be taken unless the vote so declared is immediately questioned by the Moderator or seven or more voters as provided in MGL, Chapter 39, Section 15. Passed 5-13-97, Approved by A/G 11-24-97
- Section 12. The meeting may order that the vote on any motion shall be taken by a “Yes” and “No” ballot.
- Section 13. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour after the vote to which such notice relates has been passed. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table, or for the previous question.
- Section 14. All committees shall report as directed by the Town. If no report is made within a year after its appointment, a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time.

Section 15. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

Section 16. A motion to “pass over” an article in the warrant shall not be entertained until a motion incorporating the substance of said article is before the meeting and at least one voter has spoken in favor thereof, unless, after a reasonable opportunity so to do, no voter makes such motion or speaks in favor thereof. A motion to “pass over” shall be debatable as to its merits but not as to the merits of the article.

Section 17. The most current issue of TOWN MEETING TIME is to be considered the general guideline for all procedures of town meetings, except those procedures already provided for by the by-laws. Amended 10-15-82

Section 18. The Templeton Board of Selectmen shall post all By-Laws and Town Meeting Warrants on the official Town website, within 1 business day of posting warrants or within 3 business days following notification of acceptance by the Attorney General of Massachusetts for By-Laws. By-Laws existing prior to the passage of this By-Law shall be posted on the official Town Website by the end of the fiscal year following passage of this article. Passed 05-12-04

Section 19. The Templeton Board of Selectmen shall designate an official Town website, for the posting town business, and provide for its maintenance, security, and improvement through a specific budget line item in the fiscal year following passage of this article. Passed 5-12-04

Sections 3, 6-10, 12-16 Passed 3-5-51

Article III – Town Officers

Section 1. The Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by laws or these By-Laws.

Section 2. It shall be the duty of the Town Clerk immediately after every town meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees.

Sections 1 & 2 Passed 3-5-51

Section 3. The Selectmen shall annually in June, choose and appoint all necessary town officers, Trustees for Boynton Public Library, and the Gilman Waite Memorial Field, and Trustees for the Jehu Richardson Fund, the Masonic Fund, and the Waldo N. Haskell Fund, to serve from July 1, to the following June 30. Passed 8-31-78

Article IV – Advisory Committee

- Section 1. There shall be an Advisory Committee consisting of nine legal voters of the town who shall be appointed by the Moderator as hereinafter provided. No elective or appointive town officer or town employee shall be eligible to serve on said committee, except that a representative from the Advisory Committee shall be entitled to serve as a member of the Capital Planning Committee and the Insurance Committee. Section IV amended 5-13-03
- Section 2. The Moderator of the town meeting when this By-Law is adopted shall, within thirty days after such by-law becomes effective, appoint 3 members of said committee for terms of one year, 3 members for terms of two years, and 3 members for terms of three years. At each Annual Town Meeting thereafter the Moderator thereof shall appoint 3 members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town Meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay, except the chairman who shall receive such amount as voted upon at the Annual Town Meeting, and it shall cause to be kept a true record of its proceedings.
- Section 3. The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.
- Section 4. It shall be the duty of the Advisory Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers and committees of the town, as prepared by them in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in section five of Article II.
- Section 4a. All articles, other than those deemed by the Board of Selectmen to constitute an emergency, sought to be inserted in the Town Warrant for the Annual Town Meeting shall be filed with the Board of Selectmen, and referred by them to the Advisory Committee on or before March 20 and all articles sought to be inserted in the Warrant for a Special Town Meeting shall be referred by the Board of Selectmen to the Advisory Committee at least 15 days before the date set for such meeting. Passed 3-9-57, Amended 3-10-73, Approved by A/G 7-27-73

Section 5. In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards, and committees of the town shall, upon request, furnish said committee with facts, figures, and any other information pertaining to their several activities.

Section 6. It shall be the duty of the Advisory Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, to be contained in the annual town report.

Sections 1-4, 5, 6 Passed 3-5-51

Article V- Financial Affairs

Section 1. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town except interest on investments of trust funds.

Section 2. Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bonds given by the Treasurer and the Collector of Taxes to the Town shall be in the custody of the Selectmen.

Section 3. Every officer shall pay into the treasury of the town all amounts received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

Sections 1-3 Passed 3-5-51

Section 4. The Selectmen are authorized to sell any parcels of land acquired by the Town for non-payment of taxes by public auction only; notification of auction to be published in a local newspaper of general circulation at least ten (10) days prior to date set for said auction.

Section 5. The Selectmen are authorized to sell obsolete town equipment to the highest bidder, or bidders, only; bid invitation to be published in a local newspaper of general circulation at least ten (10) days prior to date set for opening bids.

Section 6. The town shall, on July 1 of each year, turn over the Boynton Public Library fines collected from the previous fiscal year, and the "Dog Tax" money refunded from the previous fiscal year, for the unlimited use of the Boynton Public Library.

Sections 4-6 Passed 8-31-78

Article VI – Contracts by Town Officers

- Section 1. Every contract exceeding two thousand dollars (\$2,000.00) shall be accompanied by a suitable bond for the performance of same, or by deposit of money or security to the amount of such bond if so requested by the officer or board authorized to make the contract. Amended 11-14-85
- Section 2. No contract for construction work whether for repairs or original construction, or for purchase of apparatus, supplies or materials, the estimated cost of which amounts to Five Thousand Dollars (\$5,000.00) or more, shall be awarded unless proposals for the same have been invited by the officer, board of committee authorized by the Town to make the contract, by advertisement in a newspaper published in the County the last to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans of specifications of proposed work or apparatus, supplies or materials, may be had, and the same time and place for opening the proposals in answer to said advertisement and shall reserve to the Town the right to reject any or all of such proposals. All proposals shall be opened in public. No contract or preliminary plans and specifications therefore shall be split or divided for the purpose of evading the revisions of this section. Amended 5-13-97, Approved by A/G 12-9-97
- Section 3. The Selectmen may exempt a purchase or contract from any or all of the provisions of the preceding section when, in their opinion, an emergency exists requiring immediate action on such purchase or contract to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or contracted for. Evidence indicating that such an emergency exists or that no reasonable substitute for a purchase or service can be obtained, shall be furnished to the Selectmen in writing by the officer, board or committee making such purchase or contract, and shall be kept on file with other records of such transactions.

Sections 1-3 Originally Passed 3-5-51

Article VII – Legal Affairs

- Section 1. The Selectmen shall be agents of the town to institute, prosecute and defend any and all claims, actions and proceedings to which the town is a party or in which the interests of the town are or may be involved.
- Section 2. The Selectmen may at their discretion compromise or settle any claim or suit to which the town is a party, which does not require the payment by the town of an amount in excess of one thousand dollars. No settlement of a claim or suit obligating the town in an amount in excess of one thousand dollars shall be made, except as authorized by law, without the consent of the town meeting.
- Section 3. The Selectmen in their annual report shall state what actions have been brought against and on behalf of the town, what cases have been compromised or settled, and the current standing of all suits at law involving the town or any of its interests.

Section 4. The Selectmen shall annually in June appoint a Town Counsel, who is a member of the bar in good standing, to serve for the term of one year from the first day of July following and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancies in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel whenever, in their judgement, necessity therefore arises. Amended 8-31-78

Section 5. It shall be the duty of the Town Counsel to conduct the prosecution, defense or compromise of claims, actions and proceedings to which the town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such when the Selectmen, having determined that any right or interests of the town are or may be involved therein, shall so request, to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violation of any by-law of the town, when requested so to do by the board of officer enforcing the same, to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds, and other legal instruments in which the town is a party or in which any right or interest of the town is involved; to appear at any and all hearings on behalf of the town whenever his services may be required; and generally to advise and act for the town officers, boards and committees upon and in legal matters touching the duties of their respective officers.

Sections 1-5 Originally Passed 3-5-51

Article VIII – Records and Reports

Section 1. All officers, boards, and committees of the town, shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board, or committee having custody thereof.

Section 2. All officers, boards, standing committees, and special committees of the town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the thirty-first (31) day of January of each year.

Section 3. It shall be the duty of the Selectmen to publish the Annual Report, to be made available in the Office of the Town Clerk on the Monday proceeding the first Monday in May. All remaining copies will be made available for distribution at the polling places. Amended 8-31-78

Section 4. The Annual Town Report shall contain, in addition to the reports of officers, boards, and committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the collector of taxes, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants; a statement of the liabilities of the town on bonds, notes, certificates of indebtedness, or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof: a statement of transfers made to or from any appropriation: abstracts of the records of the meetings of the town held since publication of the last annual report; a complete list of town officers and appointees for the municipal year: and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

Section 5. The Selectmen, or the Town may direct that the Assessors' valuation list, standing votes of the town, and the rules or regulations adopted by any officer, board or committee, be printed either separately or as part of the Annual Town Report.

Sections 1-5 Originally Passed 3-5-51

**Article IX – (Originally Parking & Traffic Control-
which was repealed in its entirety on 11-4-87)**

Article IX – Abandoned Wells

Section 1. "The owner of land whereon is located an abandoned well or well in use shall provide a covering capable of sustaining a weight of three hundred pounds, or fill the same with fill to the level of the ground. The penalty for violation of this by-law shall be a fine of not less than one hundred dollars or more than five hundred dollars." Passed 10-30-61, Approved by A/G 12-6-61

Article X – Licensing of Junk Collectors

Section 1. The Selectmen may after public hearing license suitable persons to be collectors of or dealers in junk, old metal, used cars, and make any such additional rules, regulations, and restrictions as they may deem necessary, not inconsistent with the law or of these by-laws.

Section 2. Such collector or dealer shall put up and maintain in a suitable and conspicuous place in his junkyard or place of business a sign having his name and occupation legibly inscribed thereon in large letters.

Section 3. Every junk yard or other place of business, for the sale, purchase, or barter of junk, old metals, or used cars shall be closed between the hours of 11:00 P.M. and 7:00 A. M. and no keeper thereof and no junk collector shall purchase any of such articles between said hours.

Section 4. Every keeper of junk yards or other place of business of and for the sale, purchase or barter of junk, old metals, or used cars, shall keep a book in which shall be written at the time of each purchase, a description thereof, the name, age and residence of the person from whom, and the day and hour when purchase was made, and such book shall at all times be open for inspection of the Selectmen or of any person designated by them or by law authorized to make such inspection.

Section 5. No keeper of such a junk yard and no collector of junk shall directly or indirectly purchase or receive by way of barter or exchange from a minor any of the articles mentioned in Section 1 of the Article.

Sections 1-5 Passed 3-10-62, Approved by A/G 5-16-62

Article XI – Storing of Unused Motor Vehicles

Section 1. No person, except the holder of a license granted under Section 58 of Chapter 140 of the General Laws, or a junk dealer duly licensed under the Town By-Laws, said licenses issued by the Board of Selectmen, shall keep or permit to keep exposed on his premises, unused or unregistered motor vehicles within 150 feet of a public way or within 50 feet of a property line, unless authorized to do so by a permit issued by the Board of Selectmen. Originally passed 5-8-62, Amended 3-12-66, Approved by A/G 6-30-66

Article XII – Removal of Sand and Gravel

Section 1. The removal of soil, loam, sand or gravel from any parcel of land not in public use in the Town of Templeton except as hereinafter provided, shall be allowed only after a written permit therefor is obtained from the Board of Selectmen after a public hearing of which due notice is given.

Section 2. No permit shall be required for the continuous operation of any parcel of sand or gravel pit in operation at the time this by-law is adopted, provided such operation is not thereafter discontinued for more than one year; and no permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel.

Section 3. In issuing a permit under this by-law, the Board of Selectmen may impose such conditions not specifically provided for herein as it may deem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check or other security for compliance with said conditions or as evidence of good faith as to the completion of any proposed construction. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this by-law for a period of more than three years.

- Section 4. Sand and gravel may be removed from any parcel of land, except within 300 feet of a street or way, and the Board shall issue a permit thereof, provided, however, that the Board shall impose such reasonable conditions as to the disposition of top soil and re-establishment of ground levels and grades as it may deem necessary.
- Section 5. Soil or loam may be removed from any parcel of land within such parcel determined by the Board to be unsuited to agricultural use, and the Board may issue a permit for such removal; provided, however, that the Board shall in making such decision, obtain the recommendations of the appropriate Soil Conservation District Supervisors or the County Extension Director or Agent, or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the re-establishment of ground levels and grades.
- Section 6. Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made a part of the records of the Board.
- Section 7. Soil, loam, sand, or gravel may be removed from any parcel of land within such parcel lying within 300 feet of any street or way, provided a permit thereof has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood, provided further that the Board shall impose reasonable conditions as to the method of removal, the re-establishment of ground levels and grades and the planting of the area to suitable cover, as it may deem necessary. Removal of soil or loam under authority of this section shall be further subject to the provisions of Section III.
- Section 8. No gravel shall be removed closer to spring high water table that would preclude its subsequent re-use according to existing public health standards. This elevation shall be established from a test pit and the level related to a permanent monument on the property. This information shall show on the topographic plan.
- Section 9. No area shall be excavated so as to cause accumulation of free standing water. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into streams or ponds. All topsoil and subsoil shall be stripped from the operation area and stock piled for use in restoring the area after the removal operation has ceased. Any temporary shelters or buildings erected on the premises for use by personnel or storage of equipment shall be screened from public view as much as possible. These structures shall be removed from the premises within thirty (30) days after they are no longer needed.

Section 10. Upon completion of the operation and the final grading has been accomplished the applicant shall supply the Selectmen with a plan of the area showing contours at two (2) foot intervals of the finished site drawn by a registered engineer or surveyor.

Section 11. No excavation not intended for approved building purposes will be closer than fifty (50) feet from a wetland, stream, or pond.

Section 12. The penalty for violation of this by-law shall be as follows:

For the first offense----- \$50.00

For the second offense----- \$100.00

For each subsequent offense- \$200.00

Sections 1-7, & 12 Passed 3-9-63, Approved by A/G 5-23-63

Sections 8-11 Passed 5-8-82

Article XIII – Appointment of Gas Inspector

“The Selectmen shall annually appoint an inspector of gas piping and appliances for a term of one year, immediately following final adjournment of the Annual Town Meeting, whose duties shall be as described in Chapter 737 of the Acts of 1960” Passed 5-18-64, Approved by A/G 6-24-64

Article XIV – Trailer Permits

Section 1. No person shall establish a trailer as a residence or mobile home without first obtaining a permit for the same from the Board of Selectmen. The Board of Selectmen may grant a permit under the rules and regulations set forth by town by-laws, Article XXI – Zoning for parking of a trailer used as a residence or a mobile home. Amended 5-8-82

Section 2. This By-Law shall not apply to properly organized and regulated trailer parks nor to any trailers used as residences or mobile homes at the time of the approval of this By-Law or to any improvement or replacement of trailers already in existence and used as residences or mobile homes in substantially the same condition as they now exist.

Sections 1 & 2 Originally Passed 3-7-66, Approved by A/G 6-30-66

Article XV – Building Permits

Deleted 4-20-78, see Article XXI – Zoning, Section 5, Paragraph A

Deleted 5-14-02 from Article XXI-Zoning

Article XVI – Regulation of Driveways

Section 1. No person shall build or rebuild a driveway at a point where such driveway enters onto any Town Way without first obtaining permission from the Highway Superintendent who shall grant such permission and may specify the requirements for said building or rebuilding of such driveway at the point where it enters a Town Way. Passed 3-11-67, Approved by A/G 4-3-67

Article XVII –Sick Leave For Full-time Town Employees

Section 1. “All fulltime town employees shall be entitled to ten days sick leave in any one year which may be accumulated to a total of sixty days.” Originally Passed 3-9-68, Approved by A/G 4-18-68, Amended 10-28-82

Article XVIII – Restraining of Dogs

Section 1. “All dogs owned or kept within the Town of Templeton shall be placed under restraint and controlled from going at large by the owner or keeper thereof.” Originally Passed 9-30-69, Approved by A/G 10-7-69, Amended 5-11-74

Section 2. The use of a ticket system is hereby authorized for violation of Section 1 of Article XVIII of the town by-laws, and of the MGL, Chapter 140 as amended, as it relates to the licensing and vaccinating of dogs. Whoever violates the provisions of this by-law shall be subject to a fine of \$25.00 for each offense.” Amended 6-24-92

Section 3. The annual dog license fees required under the MGL, Chapter 140, Section 139, will be increased by one (1) dollar as authorized by Section 173 of said Chapter.

Sections 2 & 3 Originally Passed 6-20-81, Approved by A/G 9-28-81

Section 4. (a) “Dog” shall mean all animals of canine species, regardless of sex.
(b) “Owner” shall mean any person or persons, firm, association or corporation owning, or harboring a dog, as herein defined.
(c) “Public Nuisance” any dog shall be deemed a public nuisance when attacking persons or domestic animals while said dog is on property other than that of the dog owner, when destroying property; or on a public ground, when not under restraint; or it is persistently, and prolonged barking or howling for more than 15-20 minutes at a time or two consecutive days in a row. Each twenty-four period thereafter shall constitute a separate violation.

Further, any unsprayed female dog, while in season, shall be deemed a public nuisance when not confined in a limited access structure by an owner thereof, or housed in a veterinary hospital or registered kennel.

Impounding

Section 5. It shall be the duty of the Animal Control Officer to apprehend any dog determined to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

Notice to owner and redemption

Section 6. If such dog is impounded and has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the dog officer shall immediately notify the owner of such impounding.

The owner of any dog so impounded may reclaim such dog upon payment of the sum of \$10.00 for the first twenty-four hour period herein known as a pick up fee, and \$3.00 per day care or any part thereof that the dog is held. If the dog is not licensed, then before release of the dog to any person, a license, as required by law, shall be secured. This shall apply to all animals that are held at the kennels for quarantine purposes and shall be the responsibility of the owner to pay fees before release of said animal, as well as vaccinating and licensing such animal.

Adoption of Animals: An Adoption fee of \$30.00 shall be paid to the Town for care and handling of animals. This covers the \$3.00 a day care and handling fee.

Public Safety

Section 7. If any dog is deemed a constant problem in regards to injury to domestic animals, wildlife and livestock, or is a threat to public safety, the owner/keeper may surrender said dog to the dog officer for disposal. All penalties and fees to be paid by the owner.

License Renewals

Section 8. All dog license renewals are subject to payment of outstanding fines. All fines are to be paid to the Town Clerk and turned in to the Treasurer. Failure to comply with the above may result in license revocation and possible impounding of said dog.

Non-Criminal Disposition

Section 9. (A) Criminal Complaint – Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(B) Non-Criminal Complaint – Whoever violates any provision of these rules and regulations may, at the discretion of the Dog Officer and/or the Board of Selectmen, be penalized by non-criminal complaint pursuant to the provisions of MGL Chapter 40, Section 21D. For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and any subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

Disposition of Unclaimed Dogs

Section 10. Any dog, which has been impounded and has not been deemed by the owner within ten days, shall be disposed of as provided by Section 152, Chapter 14C of the MGL and any amendments thereto, or sold to anyone as long as that person pays a license and impounding fees as provided in Section 8 above.

All animals before being disposed of shall have a description place in the paper, listing the breed of the animal and brief description of said animal.

Disposal of Animal Waste

Section 11. The purpose of this bylaw is to promote a sanitary environment, free of unintended contamination through contact with animal waste for all Templeton residents and non-residents. The owner, keeper, or any person in control of a dog, or other animal, shall be responsible for the prompt removal and proper disposal of any feces deposited by such dog, or other animal, upon any public ways, such as streets, roads, avenues, lanes, circles, highways, paths, sidewalks, trails, etc. or upon any public land within ten (10) feet of such public ways or upon any public land designated as parks, playgrounds, cemeteries, school yards, golf courses, recreation areas, or any other municipal or government building and/or grounds, all within the Town of Templeton, as well as on property public or private and neither owned or occupied by said person. Further more no persons who owns, possesses, or controls such dog, or other animal, shall appear with such dog, or other animal, on any of the aforementioned areas without the means of removal of any animal feces left by such dog, or other animal. Additionally, disposal of said animal feces in Town trash receptacles, or in storm drains prohibited. For the purposes of this bylaw, the means of removal shall be any tool, implement, or device carried for the purpose of removal or containment of such feces. This bylaw shall not apply to a physically challenged person in sole custody of a dog, or other animal, or to any individual using a guide/service dog. Enforcement shall be by the Animal Control Officer, Board of Health or any other duly appointed law enforcement officer. Penalty for violation of this bylaw will be by non-criminal disposition pursuant to MGL, Chapter 240, Section 21D. For the purpose of this bylaw, the penalty to apply in the event of a violation shall be as follows:

FIRST OFFENSE	\$25.00
SECOND OFFENSE	\$50.00
THIRD OFFENSE	\$100.00
FOURTH AND ANY SUBSEQUENT OFFENSE	\$200.00

Each occurrence of a violation on any day shall be deemed to be a separate offense.

Passed 6-24-03, Approved by A/G 10-6-03

Sections 4-10 Passed 5-12-98, Approved by A/G 6-24-98

Article XIX – Fencing of Swimming Pools

Section 1. All outdoor swimming pools having a capacity of 4000 gallons or more shall be completely surrounded at all times by a fence or wall not less than 4 feet in height above grade. The pool wall itself may serve as a fence. All gates or doors opening through such enclosure shall be of not less than four feet in height and shall be equipped with a self-closing and self-latching device located at least four (4) feet above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept locked at all times when the swimming pool is not in use, and any ladders shall be removed. Passed 3-7-71, Approved by A/G 3-19-71

Article XX – Power Boats

“Power boats with motors exceeding ten (10) horsepower are prohibited for usage on Partridgeville Pond, also known as Templeton Fish and Game Club Pond.” Passed 5-10-72, Approved by A/G 9-13-72

Article XXI – Zoning

Section 1.0 Introduction:

1.1 PURPOSE. These regulations are enacted to promote the purposes set forth in 1975 Mass. Acts 808, which include, but are not limited to, the following: -- to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include, but are not limited to, restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of sections twenty-nine through thirty-three, inclusive, of Chapter ninety-three, and to Chapter ninety-three D;

3. uses of bodies of water, including water courses;
4. noxious uses;
5. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;
6. density of population and intensity of use;
7. accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and
8. the development of the natural, scenic and aesthetic qualities of the community.

1.2 AUTHORITY. The Zoning By-law is authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town of Templeton are regulated as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town of Templeton, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of the Zoning By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Zoning By-Law shall control.

1.5 AMENDMENTS. This Zoning By-Law may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in G.L. C. 40A, s.5, and any amendments thereto.

1.6 SEPARABILITY. The invalidity of any section or provision of this Zoning By-Law shall not invalidate any other section or provision herein.

Sections 1 & 2 Passed 3-10-73, Approved by A/G 6-15-73, Amended 4-20-78, Approved By A/G 7-27-78, Amended 9/--/02, Approved by A/G 10/--/02

Section 2.0. DEFINITIONS:

2.1 MAIN BUILDING. A single family dwelling, two family dwelling, and a multiple family dwelling; commercial, industrial and professional buildings; units as described in Article XV; and vehicles permanently located for the intent and purpose of commercial, industrial, or professional use, or their use for promotion, sales, services, or assembling of products; also, animal shelters for the business use of buying, selling, breeding or riding. Excluded are animal shelters to be used for farm or food animals.

Section 3.0 USE REGULATIONS:

3.1 GENERAL.

- 3.1.1 All multiple dwellings for residential use require a special permit from the Board of Appeals.
- 3.1.2 Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon issuance of a special permit by the Planning Board, provided the Planning Board finds that the proposed accessory use does not derogate from the public good.

Section 4.0 Dimensional Regulations:

- A. Lot size – Each main building shall be erected on a lot containing no less than 43,560 square feet of land.
- B. Frontage – Each main building shall be erected on a lot having not less than 150 feet of frontage on a way.
- C. Setback requirements – Every main building and every subsidiary building shall be set back at least 30 feet from any street line and at least 30 feet from the rear lot line and at least 15 feet from the side lot line. The street lines described in the paragraph shall be the side of the street where a plan of such street is on file in the Worcester District Registry of Deeds, and where there is no such plan on file, it shall be in a line parallel to the center line of the street and 25 feet from the center line of the street.
- D. Height – No main building for human habitation shall be in excess of 30 feet in height from the top of the foundation.

Section 5.0 Nonconforming Uses and Structures:

5.1 Applicability. This Zoning By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, S.5, at which this By-Law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

5.2 Nonconforming Uses. The Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

- a. Change or substantial extension of the use;
- b. Change from one nonconforming use to another, less detrimental, nonconforming use.

5.3 Nonconforming Structures. The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alternation or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

- a. Reconstructed, extended or structurally changed;
- b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;
- c. Demolition and rebuilding thereafter, as set forth in subsection 5.7, below.

5.4 Variance Required. Except as provided in subsection 5.5 below, the reconstruction, extension or structural change of a nonconforming structure in such manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

5.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- a. alteration to a structure on a lot with insufficient area which complies with all current setback, yard, building coverage and building height requirements, where the alteration will also comply with all of said current requirements.
- b. alteration to a structure on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements, where the alteration will also comply with all of said current requirements.
- c. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.
- d. alteration to the side or face of a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure.

- e. alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

- 5.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this By-Law.
- 5.7 Catastrophe or Demolition. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, or after demolition, provided that such reconstruction is completed within twelve months after such catastrophe or after voluntary demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure and located on the original building footprint, unless a larger volume or area or a new building footprint is authorized by special permit from the Board of Appeals. Such time for reconstruction may be extended by the Board of Appeals for good cause.
- 5.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

Section 6.0 GENERAL REGULATIONS

- 6.1 All multiple dwellings for residential use require a special permit from the Board of Appeals.
- 6.2 Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon issuance of a special permit by the Planning Board provided the Planning Board finds that the proposed accessory use does not substantially derogate from the public good.
- 6.3 Special permits shall only be issued following public hearings held within sixty-five days after filing an application. When requesting a special permit from the Board of Appeals the application shall be filed with the Town Clerk who shall transmit the application to the Board of Appeals. When requesting a special permit from the Planning Board the application shall be filed with the Planning Board and the applicant is responsible for transmitting a copy of the application to the Town Clerk forthwith. Failure of the Board of Appeals or the Planning Board to act within 90 days after a public hearing for a special permit shall be deemed as approval. The "Rules and Regulations of the Board of Appeals and Planning Board Concerning Special Permits" should be obtained from the Town Clerk in order to have the complete procedures concerning special permits.

6.4 Special permits shall lapse after two years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun except for good cause. Included within the two year time period is the time required to pursue or await the determination of an appeal.

Section 7.0 SPECIAL REGULATIONS

7.1 The purposes of these special requirements are as follows:

- to prevent overcrowding of land
- to avoid undo concentration of population
- to encourage housing for persons on all income levels
- to conserve health
- to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment
- to encourage the most appropriate use of land throughout the Town of Templeton
- to insure proper municipal review of construction of multi-family housing of three (3) or more (but not more than six (6) units)

Multi-family housing shall be allowed by special permit by the Zoning Board of Appeals according to the following conditions:

- a. The gross land area on which multi-family housing is permitted shall be not less than listed below for the number of square feet required per dwelling times the number of units per multi-family housing being proposed, with a limit of six (6) units per building.

With or Without Water or Sewer

<u>Frontage Requirements:</u>	<u>Size of Lot Required:</u>
Each 3 or 4 units – 200 feet	2 Acres 87,120 sq. feet
Each 5 or 6 units – 250 feet	3 Acres 130,680 sq. feet

Each three (3) or four (4) – unit building shall be erected on a lot having not less than two hundred (200) feet of frontage and two (2) acres. Each five (5) or six (6) – unit building shall be erected on a lot having not less than 250 feet of frontage and three (3) acres. All the above frontages shall be on a way.

- b. Multi-family buildings shall not cover more than thirty (30) percent of the gross land area of the lot.
- c. No multi-family building shall be higher than two (2) stories or thirty (30) feet in height.
- d. An unbroken yard space not less than ten (10) feet in depth shall be established all along the entire perimeter of the lot on which a multi-family building is located. Such yard space shall be planted and maintained by the building owner or left in natural state. In such yard space, there shall be no off-street parking nor driveway except a driveway crossing that part of the yard as is bordered by a street.

- e. Paved off-street automobile parking spaces will be provided on the lot containing a multi-family housing building and each space shall be easily accessible from a paved driveway on the property. There shall be two (2) such spaces per unit on the property. Each such space shall have minimum dimensions of eighteen (18) feet long by nine (9) feet wide. In addition, spaces for handicapped per State requirements shall be installed.
- f. A Minimum of thirty (30) percent of the gross area of the lot on which a multi-family building is permitted shall not be built on and shall be left unpaved, landscaped and/or left in its natural state and maintained with an acceptable balance of trees, shrubs and grass.

A multi-family dwelling constructed near a municipal boundary must be protected by a buffer zone from an incompatible use on adjacent land in the neighboring municipality. A one hundred (100) foot natural or landscaped zone shall be constructed and maintained by the multi-family building owner if the land in the neighboring municipality is used or zoned for commercial or industrial use.

A fifty (50) foot buffer zone between proposed multi-family buildings constructed adjacent to an industrial, residential or commercial use must be created. Buffer zone must function as a physical barrier to minimize noise and to provide a visual screen to adjacent industrial, residential or commercial buildings. It may consist of existing natural vegetation, selective planting, earth berms, fences, or any combination of these arranged to enhance the aesthetic quality of the area.

Section 8.0 SPECIAL DISTRICTS

8.1 Public Water Supply Protection.

- 8.1.1 The purpose of this By-Law is to promote the health, safety, and general welfare of the residents, institutions and businesses of the Town of Templeton by ensuring adequate quality and quantity of drinking water by preventing the pollution of the community's public drinking water.
- 8.1.2 There is created hereby a "Water Supply Protection District" which is defined to include all lands within the Town of Templeton as located within a half-mile (2,640 feet) radius of a public water supply well. This district is shown on a plan entitled "Water Supply Protection District Plan for the Town of Templeton" prepared by Szoc Surveyors, which plan is on file with the Town of Templeton Town Offices and the Town of Templeton Water Department Office. This plan shall be considered a zoning map for purposes of establishing the district under this section.

If the location of the boundary of the Water Supply Protection District in relation to a particular parcel of land is in doubt, the burden of proof shall be upon the owner(s) of the parcel of land in question to show where the bounds should be located properly.

- 8.1.3. The following land uses are prohibited in the Water Supply Protection District:

- A. Landfills and open dumps as defined in 310 CMR 19.006;

- B. Landfilling and storage of septage and sludge as defined in 310 CMR 32.05;
- C. Automobile graveyards and junkyards as defined in MGL, Chapter 140B, Section 1;
- D. Stockpiling and disposal of snow or ice that contains deicing chemicals, if brought in from outside the wellhead protection area;
- E. Storage and use of hazardous materials, as defined in MGL, Chapter 21E, unless in a free standing container within a building or above ground with secondary containment large enough to hold the entire contents of the container;
- F. Facilities that generate, treat, store or dispose of hazardous materials and/or waste subject to MGL Chapter 21C and 310 CMR 30.00;
- G. Industrial and commercial uses which discharge process waste water on site that contains contaminants hazardous wastes;
- H. Wastewater treatment facilities subject to 314 CMR 5.00, except for the replacement or repair of an existing facility with a system of equal or less design capacity;
- I. Storage of deicing chemicals, animal manures and commercial fertilizers and soil conditioners (as defined in MGL Chapter 128, Section 64) unless such storage is within a structure that prevents the generation and escape of contaminated runoff or leachate;
- J. Land uses that result in impervious surfaces covering greater than 25% of any lot, unless artificial recharge from runoff is provided. (Note: the following should not be part of the By-Law, for example, runoff from a roof allowed to fall on the ground or rain gutter downspouts directed to grassy areas).

8.1.4. Any non-conforming uses hereunder not used continuously for a period of one year shall be considered abandoned and any re-use must conform to the provisions of this By-Law.

8.1.5. The provisions of this Article shall be enforced by the Building Inspector, who may obtain the advice of the Board of Health. Whoever violates any of the provisions of this Article shall accrue a separate offense for each day the violations exist.

8.1.6. No variances within the Water Supply Protection District will be allowed through the Zoning Board of Appeals without a written advisory report from the Board of Health. Review and recommendation of the Planning Board shall also be considered in granting of any variance.

8.2 Flood Plain District

8.2.1. Purpose

The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.

8.2.2. District Delineation

The general boundaries of the Flood Plain District are shown on the Templeton Flood Insurance Rate Map (FIRM), dated 5/17/82, as Zones A, A1-30 to indicate the 100 year flood plain. The exact boundaries of the District are defined by the 100 year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated November, 1981. The floodway boundaries are delineated on the Templeton Flood Boundary Floodway Map (FBFM), dated 5/17/82 and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These maps as well as the accompanying Study are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Board of Selectmen.

Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Conservation Commission. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with the by-law and the State Building Code.

8.2.3. Use Regulations

The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the MGL and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains (currently Section 744).

A. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
2. Forestry and nursery uses.
3. Outdoor recreational uses including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing.
7. Building lawfully existing prior to the adoption of these provisions.

B. Special Permits

No structure of building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Board of Appeals. Said Board may issue a special permit hereunder (subject to other applicable provisions of this by-law) if the application is compliant with the following provisions;

1. The proposed use shall comply in all respects with the provisions of the underlying District, and
2. Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed, and
3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood, and
4. The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

SECTION 9.0 ADMINISTRATION AND PROCEDURES

9.1 GENERAL

1. Permits. This By-Law shall be administered by the Building Inspector. Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use unless in compliance with this Zoning By-Law and all necessary permits have been received under federal, state, or local law.
2. Enforcement. The Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and request for legal action.
3. Penalties. The penalty for violation of any provision of this By-Law of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

9.2 BOARD OF APPEALS

1. Establishment. There shall be a Board of Appeals as provided by G.L. C. 40A, S. 12, as amended, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in such section. The Board shall consist of five members and one alternate member.
2. Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B and 41 of the General Laws and by this By-Law. The Board's powers are as follows:
 - 1) To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 6.3, or as otherwise specified.
 - 2) To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. C. 40A, S. 10. The Board of Appeals shall not grant use variances.
 - 3) To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. C. 40A, ss. 7, 8 and 15.
 - 4) To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. C. 40B, ss. 20-23.
3. Procedures. Applications shall be filed in accordance with the rules and regulations of the Board of Appeals. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Board of Appeals.
4. Conditions. Special permits and variances may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit or permit granting authority may deem necessary to serve the purposes of this By-Law.
5. Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.
6. Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3 SPECIAL PERMITS

1. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

2. Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the Town, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, such determination shall include consideration of each of the following:
 - 1) Social, economic, or community needs which are served by the proposal;
 - 2) Traffic flow and safety, including parking and loading;
 - 3) Adequacy of utilities and other public services;
 - 4) Neighborhood character and social structures;
 - 5) Impacts on the natural environment; and
 - 6) Potential fiscal impact, including impact on Town services, tax base, and employment.
3. Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.
4. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this By-Law.
5. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 6.4, herein.
6. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s.17, from the grant thereof) with the Town Clerk.
7. Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.
8. Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.4 SITE PLAN REVIEW

1. Applicability. The following types of activities and uses require site plan review by the Planning Board:
 - 1) Construction, exterior alteration or exterior expansion of, or change of use within any nonresidential or nonagricultural building or structure or lot.
 - 2) Construction or expansion of a parking lot for any nonresidential or nonagricultural building or structure or lot.

2. Procedures. Applicants shall submit five (5) copies of the site plan to the Planning Board for review, and within three (3) days thereafter shall also submit a copy of the site plan to the Board of Selectmen, Board of Health, Building Inspector, and Conservation Commission for their advisory review and comments. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of the Board, shall be in writing, and shall be filed with the Town Clerk within fourteen days thereafter. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board. All time limits may be extended in writing by mutual agreement of the applicant and the Planning Board.
3. Preparation of Plans; Contents. Applicants are invited to submit a pre-application sketch of the proposed project at a regular meeting of the Planning Board. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'. The contents of the site plan are as follows:
 - 1) Six (6) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Planning Board. The plans are as follows:
 - a. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.
 - b. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, areas for snow storage after plowing, and all proposed recreational facilities and open space areas.
 - c. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
 - d. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site.
 - e. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.

- f. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.
 - 2) The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
 - 3) A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-Law.
 - 4) The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Planning Board subdivision regulations.
 - 5) The Planning Board may waive any requirement of this section 6.4.3.
4. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following standards. The Planning Board may impose reasonable conditions. New building construction or other site alterations shall be designed to:
- 1) Minimize the volume of cut and fill, the number of removed trees 6” caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
 - 2) Provide adequate access to each structure for fire and service equipment and adequate utilities and stormwater drainage consistent with the functional requirements of the Planning Board’s Subdivision Rules and Regulations;
 - 3) Maximize pedestrian and vehicular safety both on the site and egressing from it;
 - 4) Minimize obstruction of scenic views from publicly accessible locations and visual intrusion by screening parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 - 5) Minimize glare from headlights and lighting intrusion;
 - 6) Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
 - 7) Ensure compliance with the provisions of this Zoning By-Law.

5. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
6. Regulations;Fees. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of this Section. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.
7. Appeal. Any decision of the Planning Board pursuant to this Section 6.4 shall be appealed in accordance with the provisions of G.L. c. 40A, s. 17 to a court of competent jurisdiction.

Amended 5-14-02, Approved by A/G 10-9-02

SECTION 10 RATE OF DEVELOPMENT

- A. Purpose. The purpose of this section, “Rate of Development”, is to promote orderly growth in the Town of Templeton, consistent with the rate of residential growth over the last ten (10) calendar years, to phase growth so that it will not unduly strain the community’s ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time, and capacity to incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property.
- B. General. Beginning on May 23, 2001, building permits for not more than thirty (30) dwelling units shall be issued in each of the seven full calendar years following said date, for the construction of new residential dwellings. For the purposes of this section, a duplex shall constitute two dwelling units.
- C. Procedures. Any building permits issued shall be issued in accordance with the following procedures:
 1. The Building Inspector shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require new submittal.
 2. Three (3) permits shall be issued in each month, except that in November and December no permits shall be issued. Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month for issuance by the Building Inspector.
 3. The Building Inspector shall mark each application with the time and date of submittal, and shall act on each application in a timely manner.
 4. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.

5. At the end of the calendar year in which this by-law is in effect, the Building Inspector shall retain all applications for which a building permit has not been issued. Upon being informed in writing by the applicant before the tenth of January of the succeeding calendar year that the applicant desires the application to remain in effect, the Building Inspector shall treat said application in accordance with subsection 10.C.1, above.
- D. Special Permit Exemption. Upon a determination by the Planning Board under a special permit application that the building permits will be issued for dwelling units within a development that will provide special benefits to the community, said permits shall be exempt from this section in its entirety, and shall not count toward the 30 permits to be issued annually. The Planning Board may grant a special permit under this section only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as well conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more.
- E. Exemptions. The provisions of this section shall not apply in the following circumstances:
1. the enlargement, restoration, or reconstruction of dwellings existing on lots as of the date of passage of this by-law, but shall apply to the conversion of single-family to two-family dwellings.
 2. the construction of one (1) new dwelling on a lot in existence as of the date of passage of this by-law and held in separate ownership from any adjacent land. The burden of proof shall be upon the applicant for such permit to demonstrate that the lot in question (1) was in existence as such date, and (b) that no adjacent land was held in common ownership or control.
- F. Time Limitation and Extension. This section shall expire on January 1, 2008; provided, however, that this section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to January 1, 2008.

SECTION 11 SUBDIVISION PHASING

- A. Purpose. The purpose of this section, "Subdivision Phasing", is to assure that growth shall be phased so as not to unduly strain the town's ability to provide public facilities and services, so that it will not disturb the social fabric of the community, so that it will be in keeping with the community's desired rate of growth; and so that the town can study the impact of growth and plan accordingly.
- B. Applicability. The issuance of building permits for any tract of land divided or subdivided pursuant to any provision of G.L. c. 41, ss. 81K-81GG, the

Subdivision Control Act, into more than six (6) lots after the effective date of this by-law shall be subject to the regulations and conditions set forth herein. This provision shall apply to any proposed division or subdivision of combination of adjacent properties which were in the same ownership as of May 23, 2001.

- C. Phasing. Not more than six (6) building permits shall be issued in any twelve month period for construction of residential dwellings on any tract of land divided or subdivided into more than six (6) lots pursuant to any provision of G.L. c. 41, ss. 81K-81GG, the Subdivision Control Act.
- D. Exceptions. Issuance of more than six (6) building permits for the same tract of land in a twelve month period may be allowed in the following circumstances:
 - 1. The owner of said land may apply for a special permit from the Planning Board for the issuance of more six building permits in any 12 month period. The Planning Board may grant a special permit only if the Board determines that the probable benefits to the community outweigh the probable adverse effects resulting from granting such permit, considering the impact on schools, other public facilities, traffic and pedestrian travel, recreational facilities, open spaces and agricultural resources, traffic hazards, preservation of unique natural features, planned rate of development, and housing for senior citizens and people of low or moderate income, as well conformance with Master Plan or Growth Management Plans prepared by the Planning Board pursuant to G.L. c. 41, s. 81D. The Planning Board shall give particular consideration to proposals that demonstrate a reduction in allowable density of twenty-five percent (25%) or more. Where such special permit is granted, any building permits issued for dwelling units within the division of land shall not count toward the 30 permits to be issued annually in Section 10 of this Zoning By-Law.
 - 2. Where the tract of land will be divided into more than sixty (60) lots, the Planning Board may, by special permit, authorize development at a rate not to exceed ten percent (10%) of the units per year.
 - 3. Where the effect of this Section 11 and Section 10, taken together, would delay completion of all of the dwelling units show on the plan dividing or subdividing the land in question beyond ten (10) years, the Planning Board shall adopt a schedule of construction to allow for such construction within ten years from the date of endorsement of such plan.
- E. Zoning Change Protection. The protection against subsequent zoning change granted by G.L. c. 40A, s. 6 to land in a subdivision shall, in the case of a development whose completion has been constrained by this section beyond eight (8) years, be extended to ten years.
- F. Relation to Real Estate Assessment. Any land owner denied a building permit because of these provisions may appeal to the Board of Assessors, in conformity with G.L. c. 59, s. 59, for a determination as to the extent to which the temporary restriction on development use of such land shall affect the assessed valuation placed on such land for purposes of real estate taxation, and for abatement as determined to be appropriate.

Article XXIII – Use of Sanitary Landfill

“For the benefit of the community and in the best interest of the health and welfare of the people of Templeton, the Sanitary Landfill on Route 202, Templeton, shall be used only by residents, commercial business and industries located within the geographical limits of the Town of Templeton. Passed 5-10-1975, Approved by A/G 9-2-75. Notwithstanding said limitations, individuals, and/or businesses, upon application and issuance of a waiver by the Templeton Board of Health, may use the Sanitary Landfill for garbage and/or refuse of residents, commercial businesses and industries located within the geographical limits of the Town of Templeton. Excluded shall be the transportation of garbage and refuse from out of town areas to the Templeton Landfill and/or any other properties in the Town of Templeton”. Amended 9/28/82, Amended 6/18/02, Amended 02/19/04

Article XXIV – Sewers

- Section 1. “The Selectmen, or Sewer Commissioners if duly qualified, may declare any sewer or drain laid in any land or way, public or private, open or proposed to be open for public travel, to be a common sewer, and that connections shall not be made with any common sewer, except by authorization from Selectmen or Sewer Commissioners, whichever the case may be, shall have the power to regulate the use of common sewers and connections which may be made with them, by regulations duly enacted.” Passed 5-10-75, Approved by A/G 9-2-75
- Section 2. To amend the present common sewer by-law, Article XXIV, by adopting as town by-law the rules and regulations regarding the use of common sewers as outlined and stated in Publication No: 5541 of the Massachusetts Water Resources Commission 1969, revised 1974, entitled “Suggested Rules and Regulations Regarding the use of Common Sewers for the Cities and Towns of the Commonwealth of Massachusetts.” Amended 10/28/76

Article XXV – Intoxicating Beverages

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the MGL, nor shall have in his possession any open containers, or containers whose seal has been broken and recapped of such beverages, while on, in, or upon any public way or sidewalk, or upon any way to which the public has a right of access or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant. All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person(s) so arrested or summonsed before the court, at which time they shall be disposed of as directed by the court. The penalty for violation of the by-law shall not exceed fifty dollars (\$50.00) for each offense. Passed 5-8-76, Approved by A/G 9-6-76, Amended 5-10-86

Article XXVI –Anti-Loitering and Curfew

Section 1. Town of Templeton real property may be posted by order of the Selectmen to ban loitering thereon or to provide for a curfew for its use.

Section 2. Any person who violates the provisions of Section 1 shall be subject to penalties as provided by Chapter 266, Section 120, of the MGL.

Sections 1 & 2 Passed 9-22-81, Approved by A/G 12-30-81

Article XXVII – Automatic Amusements

In each establishment within the geographical limits of the Town of Templeton automatic amusement devices will be limited to five (5) units of which a maximum of three (3) may be video games and/or pinball machines. Passed 5-8-82, Approved by A/G 9-28-82

Article XXVIII – Snow and Ice and Water Drainage

Section 1. No person shall throw or put or cause to be thrown or put any snow or ice, rubbish, waste materials or leaves from any privately owned land into any public way, sidewalk, catch basin or Town owned land.

Section 2. The Highway Superintendent or any other person authorized by the Highway Superintendent, for the purpose of removing or plowing snow, or removing ice from any way, may remove or caused to be removed to some convenient place any vehicle which interferes with such work, and in the event of the removal of any vehicle in accordance with the terms hereof, the actual cost of removing said vehicle and any storage charges that may be incurred as a result thereof, may be enforced by the town in any manner provided by law for the collection of a debt based upon contract. Passed 6-20-81, Approved by A/G 10-15-82

Section 3. No person shall drain water or cause water to be drained from any privately owned property into any public way, sidewalk, catch basin or Town owned land without the authorization of the Highway Superintendent. This section shall not be enforced to prohibit individuals from washing or cleaning their own vehicle or private property as long as said drain water does not create a safety hazard.

Section 4. No person shall hook up or cause any flow into the Town's storm water drainage system without the approval of the Highway Superintendent.

Section 5. Whoever violates Sections 1, 3, 4, or 5 of this by-law shall be punished by a fine of fifty dollars (\$50.00) for each offense.

Sections 1, 3-5 Passed 6-24-92

Article XXIX – Recreation Tracks

Purpose: To protect abutters from ill conceived construction of a recreation track or tracks in the absence of zoning for residential, commercial, agricultural, industrial or open land areas.

Regulations:

- A. A permit for the construction of a recreation track or tracks presently proposed or to be constructed, will be required; fee to be set by vote of licensing authority, being the Board of Selectmen.
- B. The applicant for a permit must follow the procedures set forth below:
 - 1. Apply for the permit from the licensing authority in writing.
 - 2. Submit a plot plan showing proposed location of track, listing setbacks from boundary lines.
 - 3. Obtain approval for track location from the Planning Board, Conservation Commission, Board of Health and Police Department.
 - 4. Obtain approval for the driveway entrance from the Highway Superintendent.
 - 5. Specify hours that the tracks will be in use for practice or races.
 - 6. Obtain a certified list of abutters from the Assessors.
 - 7. Notify all abutters by certified mail, return receipt, of hearing date set by the Board of Selectmen, at least seven (7) days before the hearing.

Administration and Enforcement:

The provisions of this by-law shall be enforced by the Board of Selectmen. Whoever shall construct a recreation track or tracks, without a permit shall be punished by a fine of twenty-five dollars (\$25.00) for each day of the offense.

Validity:

This by-law shall take effect on date of approval by the Town of Templeton subject to approval by the Attorney General.

Definition: Recreation Track(s)

Recreation Track(s) as used in this by-law shall be land, all or part, used by vehicles as defined under Chapter 90, or as "Recreation Vehicles (s)" and/or "Snow Vehicles (s)" under Chapter 90B, Section 20, and used by persons or animals for sporting or recreational events.

All Sections Article XXIX Passed 5-7-82, Approved by A/G 7-20-82

Article XXX – Class III Licenses

The Selectmen are hereby authorized to limit the number of Class III Licenses in effect in the Town at any one time; said number not to exceed 4. Passed 5-11-85

Article XXXI – Class II Licenses

The number of Class II used car dealer licenses in effect in the Town at any one time is not to exceed 21, with said number to be apportioned among the 4 precincts. Passed 11-14-85

Article XXXII –Licenses and Permits of Delinquent Taxpayers

Section A. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers or any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie for evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section D. The Board of Selectmen may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholder, if any, or members of his immediate family, as defined in Section 1, Chapter 268 in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, Section 13, Chapter 48; sales of articles for charitable purposes, Section 33, Chapter 101; children work permits, Section 69, Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E, Chapter 140; dog licenses, Section 137, Chapter 140; fishing, hunting trapping license, Section 12, Chapter 131; marriage licenses, Section 28, Chapter 207; theatrical events, public exhibition permits, Section 181, Chapter 140; bicycle permits, Section 11A, Chapter 85.

All Sections Article XXXII Passed 9-18-86

Article XXXIII –Quarry

Section 1. Definition of a Quarry: Any property which may primarily be used as a source of mined products from the earth when the removal of such products required the use of explosives to facilitate such removal.

Section 2. The Town of Templeton will not allow any Quarry to operate or open within the Town (Temporary not included).

Sections 1 & 2 Passed 5-12-92

Article XXXIV – Street Numbers

Street numbers shall be attached to each dwelling, business, industry and other buildings in the Town of Templeton.

- A. The number shall be made of permanent, weather-proof materials, in contrasting color, shall be at least three (3) inches in height, and shall be clearly visible from the street or roadway upon which the structure fronts.
- B. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- C. The numbers posted shall be those assigned to each structure by the Board of Assessors. The said Board shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.

- D. It shall be the responsibility of each property owner in the Town to obtain, display, and maintain the assigned street number within ninety (90) days after the effective date of this By-Law.
- E. This By-Law shall be enforced by the Police Department. Failure to comply with this By-Law shall subject property owners to a fine of not more than twenty dollars (\$20.00) for each offense. Each day shall constitute a separate offense.

All Sections Article XXXIV Passed 6-23-93, Approved by A/G 11-2-93

Article XXXV – Mandatory Recycling

Article 1. Purpose

This by-law will significantly reduce the amount of municipal solid waste that will need to be landfilled in Templeton, thus reusing natural resources and preserving landfill space for nonreusable goods, as well as meet the state's 25% recycling requirement set down at 310 CMR li.038 (2) (d).

Article 2. Definitions

- A. "Commercial Hauler" shall mean any person licensed by the Board of Health who, for a fee, collects and/or hauls solid waste that is generated within the Town of Templeton.
- B. "Solid Waste" shall mean any household, residential, or commercial solid waste.
- C. "Composting" shall mean a process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can be safely used.
- D. "Designated Material" shall mean those recyclable goods including but not limited to types and grades of metal, paper, glass or plastic and those compostable materials including but not limited to types and grades of leaves, yard waste and food waste designated by the Department of Environmental Protection pursuant to regulations to be source separated.
- E. "Disposal" shall mean the dumping, landfilling or placement of solid waste into or on any land or water or the incineration of solid waste for energy recovery or otherwise.
- F. "Person" shall mean any individual, partnership, association, firm, company, corporation, department, agency, group or public body generating solid waste.
- G. "Recycle" shall be construed to mean the diversion of material, product, or byproduct from disposal to: (a) reuse, or (b) employ as an ingredient or feedstock in an industrial or manufacturing process to make a marketable end product, or (c) employ in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of designated materials.
- H. "Source Separate" shall be construed to mean to separation of designated recyclable or compostable materials from solid waste at the place where the materials or waste are generated through the use or consumption of goods.

Article 3. Use of Landfill/Recycling Center

Any person using the Landfill/Recycling Center must first obtain a permit issued by the Board of Health and sign an agreement stating that they have received a copy of the recycling regulations. A small fee will be charged to cover the printing of the permits and regulations. Any person wishing to use only the Recycling Center may do so at no cost.

Article 4. Use of Landfill/Recycling Center by Commercial Haulers

Any commercial hauler using the Landfill/Recycling Center must also obtain a sticker issued by the Board of Health and agree to provide source separated pick-up for their customers. The list of recyclables commercial haulers must pick up will be limited by regulation of the Board of Health to no more than six (6) types of material in order to prevent implementation from becoming an impossible task.

Article 5. Recycling of Designated Materials

- (a) After January 1, 1994, no person and no commercial hauler shall place solid waste in the Templeton Landfill unless the following designated materials have been source separated from the solid waste prior to placement or delivery of the waste for disposal: leaves, yard waste, newspaper, magazines, cardboard, recyclable paper, aluminum, metal, glass containers, scrap metal, batteries and white goods.
- (b) After July 1, 1994, no person and no commercial hauler shall place solid waste in the Templeton Landfill unless, in addition to the materials designated pursuant to Article V, Section (a), the following designated materials have been source separated from the solid waste prior to placement or delivery of the waste for disposal: single polymer plastics. The Board of Health may from time to time, by regulation, redesignate the types of materials required to be recycled.
All recyclable material must be separated from all other solid waste. It must be clean. Food and beverage containers must be rinsed out. Materials must be placed in their designated areas at the Recycling Center. The elderly and handicapped will be assisted by an attendant.

- (c) All separated recyclable materials deposited at the Recycling Center shall
become the sole property of the Town of Templeton.
All separated recyclable materials being brought to the Recycling Center shall be brought at hours designated by the Board of Health.

Article 6. Disposal

No person who collects, transports, disposes or otherwise manages solid waste or designated materials shall mix, co-mingle, or otherwise contaminate source separated designated materials with solid waste or other contaminants.

Article 7. Supervision

The Landfill/Recycling Center attendant shall inspect any and all solid waste presented for disposal. No person shall dispose of any designated materials other than as set forth in this by-law. Persons in violation of this by-law shall be notified of such violations in writing by the Board of Health, which writing shall include the date of such violation; the nature of such violation, the penalty imposed thereby, and shall inform the violator of the right to request a hearing as set forth below. Any violating this by-law shall be fined \$25.00 for the first violation and \$50.00 for the second violation. All such fines shall be paid within ten (10) days of receipt of said written notice. Failure to pay such fine or any subsequent violation may, in the discretion of the Board of Health, result in the revocation of the violator's permit to use the Landfill/Recycling Center.

Any person in receipt of a notice of violation may, with ten (10) days of receipt of such notice, request a hearing before the Board of Health (Board). Such request shall be made in writing and shall state any reasons why the penalty set forth in the notice of violation should not be imposed. Within fourteen (14) days of receipt of such request for hearing, the Board shall schedule such hearing and notify the person requesting the hearing of the date and time thereof. The Board shall have the authority to waive or reduce the penalty stated in the notice of violation if it finds good cause following such hearing. The Board of Health shall make its decision within fourteen (14) days of such hearing and shall notify the person requesting such hearing of its decision, in writing, within fourteen (14) days thereof. The Board's decision shall be final.

All Sections Article XXXV Passed 6-23-93, Approved by A/G 11-2-93

Article XXXVI – Street Acceptance

No Private Street shall be accepted by the Town Meeting as a Public Way unless all of the following conditions have been met:

1. The Way shall have a minimum pavement width of not less than twenty-four (24) feet for its entire length;
2. The Way shall be shown on a definitive plan endorsed by the Planning Board, and shall be actually constructed in accordance with the specifications of the definitive plan approval; and
3. The Way shall have been completed in accordance with said definitive plan for a period of at least twelve (12) months in order to ensure that the way may withstand severe winter weather.

Notwithstanding the above, the Town Meeting may accept as a Public Way a way that does not meet all of the conditions set forth above, upon a recommendation, by majority vote, from the Planning Board to waive such condition(s).

All Sections Article XXXVI Passed 9-11-96, Approved by A/G 12-9-96

Article XXXVII – Non-Criminal Disposition of By-Law Violations

- Section 1. Scope Authority – This By-Law provides for a non-criminal disposition of a violation of health related Town By-Laws or any rules or regulations adopted by the Board of Health of which is subject to a penalty not to exceed \$300.00. This By-Law is enacted in accordance with MGL, Chapter 40, Section 21-D, as it may be amended from time to time (herein called Section 21-D).
- Section 2. Enforcing Person – “Enforcing Person” used in this By-Law shall mean the Board of Health, Board of Health Agent or other designee, each with respect to violation of By-Laws or rules and regulations within their respective jurisdiction over a given authority to adopt rules and regulations for the enforcement of this By-Law within respective areas of their jurisdiction.
- Section 3: Violation – An Enforcing Person taking cognizance of a violation of said By-Law, rules or regulations may, as an alternative to instituting criminal proceedings, give the offender a written notice to appear before the clerk of the Gardner District Court for non-criminal disposition of the violation, accordance with Section 21-D. The provisions of Section 21-D are incorporated by reference herein.
- Section 4: Proceedings – Proceedings pursuant to this By-Law and Section 21-D shall not be deemed to be criminal proceedings.

All Sections Article XXXVII Passed 6-22-94, Approved by A/G 9-12-94

**Article XXXVIII – Compensation to Incapacitated Call
And Volunteer Firefighters and Rescue Squad Volunteers**

“A Call Firefighter, a member of the Town’s Volunteer Fire Department, or a member of the Templeton Rescue Squad, who is disabled or incapacitated because of injuries sustained in the performance of his/her duties, without fault of his/her own, and is thereby unable to perform the usual duties of his/her regular occupation at the time such injury of incapacitation was incurred, shall receive during the period of his/her incapacity an amount equal to the compensation paid to a permanent member of the fire force for the first year of service therein, or if there are no regular or permanent members of the fire force, at a rate of Three Thousand Dollars (\$3,000.00) per annum, as provided under MGL Chapter 32, s 85H.” Passed 6-22-94, Approved by A/G 9-12-94

Article XXXIX – Interest Charge for Water & Sewer Bills

The Town shall charge an interest rate of 1% per month for all Water & Sewer bills unpaid after the due date, as authorized under MGL Chapter 40, Sec 21E. Passed 5-11-99, Approved by A/G 6-9-99

Article XXXX – Wireless Communication Facilities and Towers

General Purpose

The purpose of this section shall be to regulate the placement, design, construction, removal, and modifications of wireless communication facilities and towers and to protect Templeton's historic, cultural, natural, and aesthetic resources.

Special Permit Granting Authority shall be the Planning Board

Special Permit Review Criteria

(A) No wireless communications facility shall be erected, constructed, installed or operated without first obtaining a special permit from the Town of Templeton Planning Board. A special permit is required for new tower construction (or major modification of a preexisting tower) and for all new wireless communications facilities (or major modification of a preexisting facility) to be mounted on a tower or structure.

(B) All applications will be reviewed by the Board of Health & Conservation Board who will submit their written recommendations within 45 days.

(C) A building permit is required per CMR 780

(D) A public hearing shall be held within 90 days with all costs accrued paid by the applicant

(E) Exemptions: The following types of wireless communications facilities and towers are exempt:

(1) Amateur radio tower – construction or use of an antenna structure by a federally licensed amateur radio operator as exempted by M.G.L. Chapter 40A, Section 3.

(2) A tower or antenna erected by the Town exclusively for municipal public safety communications purposes.

(3) Pre-existing towers and antennas

This by-law is exempt from Article XXI Section 3, lot size, frontage, and setback requirements of the town by-laws

Consistency With Federal Law

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act.

Definitions:

Abandoned Tower: A tower not being used for the purpose it was permitted for a period of twelve months.

Adequate Coverage: Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least -90 dBm. It is acceptable for there to be minor temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformity.

Antenna: A device used to transmit and/or receive electromagnetic waves, which is attached to a tower or other structure.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Available Space: The space on a tower or structure to which antennas of a wireless communication provider is both structurally able and electro magnetically able to be attached.

Base Station: The primary sending and receiving site in a wireless communication facility network. More than one base station and/or more than one variety of wireless communication provider may be located on a single tower or structure.

Building-Mounted Antenna Support Structure: Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

Building For Equipment Shelter: An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

Channel: The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location: Locating the wireless communications equipment of more than one provider on a single tower.

Communication Tower: A monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications. A Tower and its equipment are considered a main use of property.

Consultant: A registered professional engineer (electrical communication specialty) licensed by the Commonwealth of Massachusetts, hired at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other review required under this bylaw.

Carrier: A company that provides wireless service as defined by Section 704 of the 1996 Telecommunications Act.

dBm: Unit of measure of the power level of a signal expressed in decibels referenced to one milliwatt.

EA: See Environmental Assessment

Emergency Power: Electrical Generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 50 decibels over the ambient noise level at the property line.

Environmental Assessment: An EA is the document required by the FCC and NEPA when personal wireless facility is placed in certain designated areas.

FAA: Federal Aviation Administration:

Facility Site: A property, or any part thereof, which is owned or leased by one or more wireless communications facility(s) and where required landscaping is located.

Fall Zone: The area on the ground within a prescribed radius from the base of a tower, typically the area within which there is a potential hazard from falling debris or collapsing material. The fall zone shall be equal to the tower height.

FCC: Federal Communications Commission

Frequency: The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz), or one million hertz, or gigahertz (GHz, one billion hertz).

Hertz: One hertz (Hz) is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

Lattice Towers: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel. See Communication Tower.

Major Modifications: The changing or alteration of any portion of a wireless communication facility from its description in a previously approved permit, including any addition that increases the height of the tower size of the building for equipment shelter.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from wireless communications facilities, towers, antennas, or repeaters.

Monopole: A type of tower that is self-supporting with a single shaft of wood, steel, or concrete.

NEPA: National Environmental Policy Act

Preexisting Towers and Antennas: any tower or antenna that was lawfully erected before the effective date of these regulations.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

RFI: Radio Frequency Interference

RFR: Radio Frequency Radiation

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be an object nearby or in the distance such as a mountain, or historic building or a pond.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Tower: A structure designed to blend with or be hidden by surrounding terrain, architectural design, or buildings.

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

Tower: A vertical structure for antenna(s) that provide wireless communications services.

Tower Height: The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

Wireless Communications Facility: All equipment, buildings and locations of equipment (real estate) with which a wireless communications provider transmits and receives the waves that carry their services. This facility may be owned and permitted by the provider or another owner or entity.

Wireless Communications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Wireless Services: Commercial mobile services, unlicensed wireless exchange access services, including cellular services, personal communications services, specialized mobile radio services, and paging services.

Permit Application Requirements:

(A) An applicant for a wireless communications tower or facility permit must be a wireless communications provider or must provide a copy of its executed contract to provide land or facilities to an existing wireless communications provider at the time that

an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

- (B) Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:
- (1) Location Map: The location of the proposed structure on the most recent United States Geological Survey Quadrangle map, showing the area within at least a three-mile radius of the proposed tower site.
 - (2) A map or *sketch* of the property proposed to be developed, prepared by a registered land surveyor drawn to scale and with the area to be developed clearly indicated.
 - (3) A report from qualified and licensed professional engineers (consultants) that:
 - a) Describes the facility height, design, and elevation not to exceed 190 feet.
 - b) Documents the height above grade for all proposed mounting positions for antennas to be colocated on a wireless communications tower or facility and the minimum separation distances between antennas.
 - c) Describes the tower's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the tower to accommodate.
 - d) Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.
 - e) Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Templeton, in abutting towns, and within a 10 mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Templeton.
 - f) Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and proves a detailed computer generated Actual Received Level propagation model that describes coverage of the existing and proposed facilities.
 - g) Describes the output frequency, number of channels and power output per channel for each proposed antenna.
 - h) Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town of Templeton.

- i) Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures.
 - j) Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Town of Templeton may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.
- (4) Commitment to Share Space: A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provision of this by-law.
- (5) Existing Structures: For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.
- (6) Environmental Assessment: To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft of final report describing the probable impacts of the proposed facility shall be submitted to the Planning Board prior to the issuance of a building permit.
- (7) Vicinity Map: A topography map and a priority resource map showing the entire vicinity within a 1000 foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features, and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
- (8) Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements including landscaping, utility lines, screening, and roads.
- (9) Elevations showing all facades and indicating all exterior materials and color of towers, buildings, and associated facilities.
- (10) Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
- (11) Construction sequence and estimated time schedule for completion of each phase of the entire project.

- (12) Any additional information requested by the Planning Board.
- (C) Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet. The permit application shall be signed under the penalties of perjury.
- (D) All permit requests shall be submitted during a regular scheduled meeting.

Tower and Antenna Design:

- (A) **Protection of Scenic Character:** Proposed facilities shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic buildings or districts. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to scenic views and areas. In determining whether the proposed tower will have an undue adverse impact on the scenic beauty of a ridge or hillside, the Town shall consider, among other things, the following:
 - (1) The period of time during which the proposed tower will be viewed by the *traveling* public on a public highway, public trail, or public body of water;
 - (2) The frequency of the view of the proposed tower by the *traveling* public;
 - (3) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;
 - (4) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
 - (5) The distance of the tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
 - (6) The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point, and
 - (7) The sensitivity or unique value of the particular view affected by the proposed tower.

To assist the town in its review it may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the planning board.

- (B) **Lighting, Bulk, Height, Glare:** All wireless communications facilities, including towers and antennas, shall be designed and constructed so as to minimize the visual impact of height and mass of said tower. Materials utilized for the exterior of any structure shall be of a type, color, and style so as to minimize glare and blend into the environment. Towers shall not be artificially illuminated.
- (C) **Transmitter Building:** Facilities buildings shall be built to accommodate all anticipated tenants on a tower.
- (D) **Landscaping and Screening:** Base of tower as well as the building accessory to the tower shall be screened from view by a suitable vegetation screen that is consistent with existing vegetation. A planted or existing vegetative screen shall be maintained. Existing on-site vegetation outside the immediate site for the

wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

- (E) **Height Limitations:** In order to protect public safety and to preserve the scenic, rural character and appearance of Templeton, antennas and all related facilities shall not exceed 190 feet.
- (F) **Fencing and Signage:** The area around the tower shall be completely fenced for security to a height of 8 feet and gated. Use of multiple strands of barbed wire is required. A painted sign no greater than two square feet stating the name of the facility's owner and a 24 hours emergency number shall be posted on the entry gate. In addition, "No Trespassing" and any other mandated warning signs shall be posted and maintained at the site. No commercial signs or lettering shall be placed on a tower. The tower must be equipped with an anti-climbing device. The wireless communications facility owner shall maintain adequate insurance on all wireless communications facilities.
- (G) **Utilities:** All utilities must be routed underground via conduit from public road to site where feasible.
- (H) **Access Road:** Vehicle access to site shall be required and shall conform to all Conservation Commission guidelines and be at least 18 feet wide. A sturdy, posted swinging, lockable gate must be installed which is more than 15 feet and less than 30 feet off the public road upon which said access is situated, A KNOX box or keys shall be provided to a designated town official for municipal access. Finish grade must be approved by the Highway Superintendent. Easements shall be provided to the Town of Templeton for access and removal in the case of facility/tower abandonment.
- (I) **Removal of Abandoned Antennas and Towers:**
 - (1) The owner of a facility/tower shall annually, by January 15, file a declaration with the Town of Templeton Planning Board certifying the continuing safe operation of said facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered abandoned.
 - (2) A facility/tower shall also be considered abandoned when it has not been used for the purpose for which it was permitted, for a period of twelve months.
 - (3) The applicant or subsequent owners shall provide and maintain a financial surety bond in the amount of \$50,000.00 (fifty thousand dollars) payable to the Town of Templeton to cover the costs of removal of each wireless communications facility applied for and the remediation of the landscape, should the facility be deemed abandoned. The bond shall not limit the applicant's financial liability to the Town for said facility/tower removal. The bond amount shall be reviewed every year by the planning board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted the applicant shall have 90 days from notice to provide an adjusted bond.

- a) The owner of a facility/tower shall have 90 (ninety) days to removal said tower from the date it is deemed abandoned as stated above.
 - b) The town may exercise its option to remove said facility/tower at its own discretion upon notification of owner, any time after the 90 (ninety) day waiting period.

- (J) **Emergency Power:** Emergency power shall emit no more than 50 decibels over ambient noise level at all property lines.

- (K) **Noise:** Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

- (L) **Property Consideration:** An applicant shall demonstrate that all municipally-owned property in the geographic area was considered.

- (M) This section deleted by A/G

- (N) **Distance of Tower or Repeaters:**
 - (1) No repeater shall be located less than 25 feet, nor more than 70 feet above ground.
 - (2) No tower or personal wireless service facility with the exception of repeaters shall be located:
 - (a) Within any of the following prohibited areas:
 - (i) Massachusetts or Federally regulated wetlands
 - (ii) A Massachusetts Certified Vernal Pool
 - (b) Within 100 feet horizontally of any Massachusetts regulated wetland.
 - (c) Within 200 feet of any existing permanently occupied residential dwelling.
 - (d) Within 200 feet of an existing property line unless incorporated within an existing building, tower, or steeple.

- (O) **Documentation:** Engineering and Environmental Assessment impact as well as FAA notice of determination of no hazard of flight zone shall be submitted with any application.

- (P) **Colocation Requirements:** An application for a new (non co-located) wireless communications tower shall not be approved unless the Planning Board finds that the wireless communications facility planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:
 - (1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as

documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

- (2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts and such interference cannot be prevented at a reasonable cost.
 - (3) The proposed antennas and equipment, along or together with existing facilities, equipment, or antennas, would create RFI in violation of federal standards or requirements.
 - (4) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.
 - (5) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function, or are too far from the area of needed coverage to function reasonably, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.
 - (6) Aesthetic considerations make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.
 - (7) There is no existing or approved tower in the area in which coverage is sought.
 - (8) Other unforeseen specific reasons make it unreasonable to locate the planned wireless communications equipment upon existing or approved tower or building.
- (Q) Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.
- (R) Wireless communication towers shall be a minimum distance of two and one half (2.5) miles from each other unless it is determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts that a closer proximity is need for "Adequate Coverage" as defined under definitions Under no circumstances shall any wireless communications tower be within a distance of one (1) mile of each other unless such tower is a stealth tower and the applicant's technology cannot be used on an existing tower as determined by a

qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

Modifications to Existing Wireless Communications Facilities Special Permit:

An alternation or addition to a previously approved wireless communications facility shall require an additional special permit when any of the following are proposed:

- (A) A change in the number of buildings or facilities permitted on the site;
- (B) Changes in technology used by the wireless communications facility;
- (C) An addition or change of any external equipment or an increase in the height of the tower, including profile of additional antennas, not specified in the original application; or
- (D) Change in ownership.

Continuing Obligations:

- (A) Upon receiving a permit, the permittee shall annually, by January 15, document that the facility is in compliance with all FCC standards and at the same time the permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings, and the name of the person or company who took the readings.
- (B) All payment and non-payment of taxes shall fall under the Templeton By-Law article XXXII

Fees:

The Town shall establish a schedule of fees to cover permitting and monitoring costs. Fees may include the reasonable costs of an independent technical assessment of the application by a consultant.

Severability:

If a court of competent jurisdiction holds any portion of this by-law unconstitutional or invalid, the remainder of this by-law shall not be affected.

Conflicts:

If any definition or term as used in this by-law is inconsistent with or would result in a conflict with an applicant's compliance with any FCC regulation or licensing requirement, the FCC regulation or licensing requirement shall control.

Waivers:

Strict compliance with these requirements may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Templeton By-Laws.

Passed 5-1-00, amended 9-26-00, approved by A/G 12-12-00

Article XXXXI – Water Use Restriction By-Law

Section 1. Authority

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2. Purpose

The purpose of this by-law 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 Massachusetts Department of Environmental Protection.

Section 3. Definitions

Agriculture shall mean farming in all its branches and agriculture, as defined at G.L. c. 128, § 1A.

Board shall mean the Board of Light and Water Commissioners.

Department shall mean the Massachusetts Department of Environmental Protection.

Outdoor watering shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

Person shall mean any individual, corporation trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this by-law.

Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

Section 4. Declaration of a State of Water Supply Conservation

The Town, acting through its Board of Light and Water 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 of such a degree that 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 Section 6 of this by-law before it may be enforced.

Section 5. 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 except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Off-Peak Outdoor Watering: Outdoor watering is limited to between particular hours on particular days as specified in the notice.
- c) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- d) Outdoor Watering Ban: Outdoor watering is prohibited.
- e) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- f) Swimming Pool Filling Prohibition: Filling and topping off of swimming pools is prohibited.
- g) Automatic Sprinkler Use Prohibition: The use of automatic sprinkler systems is prohibited.
- h) Car Washing Prohibition: Car or vehicle washing is prohibited.

Section 6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of Department

Notification of any provision, including any 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. Notification of a State of Water Supply Emergency declared by the Department shall be provided by furnishing a copy of the Notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under Section 5 of this by-law or in the Department's declaration of emergency or Order shall not be effective until such

notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Department at the same time that public notice is given.

Section 7. 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 Light and 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 as is required for notice of the Town's declaration of its State of Water Supply Conservation.

Section 8. State of Water Supply Emergency; Compliance with Department Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

Section 9. Penalties

The Town, through its Board of Light and Water Commissioner, the manager of the Municipal Light and Water Plant, or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amount of \$ 50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws.

Section 10. Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

Section 11. Exemptions

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets applicable eligibility criteria as determined by the Board of Light and Water Commissioners.

- a. Commercial agriculture;
- b. Water to sustain animal life;
- c. Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- d. Commercial car or vehicle washing facilities.

Passed 9-10-02, Approved by A/G 9-29-03

Article XXXXII – Capital Planning By-Law

Section 1: Capital Improvements Committee:

The Board of Selectmen is hereby authorized to establish and appoint a Capital Improvements Committee, to be composed of five members, for a term of one year.

The following Boards and Committees shall nominate one of their members to serve annually:

- The Advisory Board
- The Board of Selectmen
- The School Committee
- The Planning Board
- A Member from the community, (preferable with some relevant experience in purchasing or general business practices)
- The Town Coordinator (or Town Accountant) as ex-officio member

The Committee shall choose its own officers.

Section 2: Committee duties:

To facilitate the reasonable acquisition and replacement of capital items (defined as assets and projects with a useful life of five or more years, and a cost of more than \$10,000.00), the Committee shall have the following duties and responsibilities:

- Annually collect all proposed capital improvements for the coming six years from all departments, on forms designed for that purpose.
- Consider all requests and the relative need and impact of these requests on the Town's financial position.
- Establish and annually update a five year Capital Improvement Plan, based on this information.
- Annually, prepare a report prioritizing capital needs for the coming fiscal year, and recommend a Capital Improvement Budget for that fiscal year.
- Submit this annual report and their recommendations for purchases or improvements, in the form of a separate capital article, to the Board of Selectmen for its consideration and approval.

Upon endorsement by the Board of Selectmen, the Capital Budget shall be included on the Annual Town Meeting Warrant for consideration.

It is the intent of this bylaw that all capital improvements requested by a Town Department or Board should be considered in the Committee's report before presentation to the Town for appropriation. It is the responsibility of the Committee to submit an explanation of the omission of any request. This

explanation is to be provided to the Board of Selectmen before any vote for appropriation takes place on the omitted request.

The Committee's report and the Selectmen's recommended Capital Budget shall be made available to the Advisory Board for review and inclusion in the annual recommendations of the Advisory Board.

Passed 9-26-00, Approved by A/G 11-28-00

Article XXXXIII – Time Limit for Submitting Warrant Articles

Warrants for Annual Town Meeting and Special Town Meetings shall be open for a minimum of 14 days before closing and posting the warrants.

Passed 5-12-04, Approved by A/G 6-9-04

Article XXXXIV – Official Town of Templeton Website

The Templeton Board of Selectmen shall designate an official Town website, for the posting town business, and provide for its maintenance, security, and improvement through a specific budget line item in the fiscal year following passage of this article.

Passed 5-12-04, Approved by A/G 6-9-04

Article XXXXV – Posting of Warrants and By-Laws

The Templeton Board of Selectmen shall post all By-Laws and Town Meeting Warrants on the official Town website, within 1 business day of posting warrants or within 3 business days following notification of acceptance by the Attorney General of Massachusetts for By-Laws. By-Laws existing prior to the passage of this By-Law shall be posted on the official Town Website by the end of the fiscal year following passage of this article.

Passed 5-12-04, Approved by A/G 6-9-04