

## ARTICLE 50

### POLICE REGULATIONS

#### **Section 1 Obstruction of Public Ways; License Required**

No persons except officers of the Town in the lawful performance of their duties and those acting under their orders, shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same, without first obtaining a written license from the Select Board therefor.

#### **Section 2 Deposit of Rubbish; Defacement of Public Ways**

No person shall place or cause to be placed upon any public sidewalk or street any rubbish, debris, or broken glass, or paint, print, word, figure, or picture, except when authorized by the Director of Public Works and except as provided in Section 3 hereunder.

#### **Section 3 Obstruction Due to Construction; Safety Requirements**

Every person intending to erect, repair or take down any building on land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing therein building materials or rubbish, shall give notice thereof to the Select Board. The Select Board may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall provide sufficient illumination at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same, while such obstruction shall continue. If such obstruction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction, and at the completion of the work shall restore the street or way to its former condition.

#### **Section 4 Indemnification of Town**

Before obtaining a license as specified in the preceding section the person applying for the same shall execute a written agreement to indemnify and save harmless the Town against and from all damages, by reason of cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

#### **Section 5 Obstruction of Sidewalks**

No person shall, without written permit from the Select Board, place or cause to be placed upon any sidewalk any object so as to obstruct the sidewalk for more than one hour, or for more than ten (10) minutes after being notified by a police officer to remove the obstruction.

#### **Section 6 Crossing of Sidewalks by Vehicles**

No person shall operate or place a motor vehicle, or trailer which is drawn by or used in combination with a motor vehicle, or any object having an over-all weight in excess of one-half (1/2) ton, upon a public sidewalk, except in using an established driveway, without a permit from the Director of Public Works which may, before issuing a permit, require the applicant to execute a written agreement to indemnify and save the Town harmless against and from all cost for the repair of damage to the sidewalk caused by such use, or by reason of any cost or expense

it may suffer or be put to by reason of any claims for damages against the Town resulting from such use.

***Section 7 deleted***

**Section 8      Obstruction of Pedestrians**

Three (3) or more persons shall not stand together or near each other in any street, or on any footwalk or sidewalk, or upon any land left open between the curbing and building facing thereon and left open and used as a sidewalk in the Town, so as to obstruct the free passage of foot passengers; and any person or persons so standing shall move on immediately after a request to do so made by any police officer of the Town.

No person shall loaf or loiter upon any public way after having been requested by a police officer to move.

**Section 9      Tampering with Lighting on Public Ways**

No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights, or of the street or way, so to do.

**Section 10     Playing on Public Ways**

No person shall throw stones, snowballs, projectiles, or other dangerous articles within or across any street or way, nor participate in any activity within a street or way that poses a significant risk to the public.

**Section 11     Transporting Garbage or Rubbish; License Required**

No person shall collect and transport for hire any garbage or refuse in and through the Town of Natick, unless duly licensed by the Board of Health upon such terms and conditions as said Board deems necessary for the health, comfort, and convenience of the Town. Said licensing requirement shall not apply to the occasional employment of junk removal service companies, not involving ongoing or regularly scheduled collections services.

**Section 12     Damaging Public Shade Trees**

No person shall unlawfully remove, mar, deface, or damage any public tree, shrub, flower bed, grassy border, structure, or device and no person shall attach any sign or structure to any public shade tree.

**Section 13     Indecent or Profane Language**

No person shall use any indecent or profane language in any public place in the Town or near any dwelling house or other building thereon.

#### **Section 14 Trespassing; Invasion of Privacy**

No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with the intention of invading the privacy of another by peeping into the windows or spying upon any person or persons resident therein.

#### **Section 14 a Consumption or Possession of Alcoholic Beverages**

No person shall drink or possess any open container of an alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person of control thereof. 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 or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

#### **Section 14 b Public Consumption or Use of Marihuana or Tetrahydrocannabinol**

1. No person shall display, smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Natick, or any place to which the public has a right of access as invitees or licensees.
2. Any marihuana or tetrahydrocannabinol displayed, smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M.G.L. c. 94C, § 47A.
3. Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.
4. This By-Law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Select Board or the Town Administrator, or any duly authorized agent of the Select Board or the Town Administrator, or any police officer.
5. The fine for a violation of this By-Law shall be one hundred fifty dollars (\$150.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.
6. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

**Section 15 Use of Firearms or Other Hunting Equipment**

No person shall fire or discharge any firearms of any kind nor shall use bow and arrow where the arrow is equipped with a metal or other dangerous tip within the limits of any highway, park, or other public property or on any private property, except with the written consent of the owner or legal occupant or person having the right of control thereof, provided, however, that this By-Law shall not apply to the lawful defense of life or property or to any military exercises or funeral.

**Section 16 Animal Control**

- 16.1 **Disturbing the Peace** - No person shall own or keep in the Town any pet which, by barking, howling or in any other manner, disturbs the peace of another by reason of excessive noise for a prolonged period.
- 16.2 **Threat to Health and Safety** - No person shall own or keep in the Town any pet which, by biting, maiming, killing, chasing, or vicious disposition, threatens the health or safety of persons or property.
- 16.3 **Removal of Feces** - The person owning a pet shall be responsible for the prompt removal of any feces deposited on public or private property, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.
- 16.4 **Restraint of Pets** - No person shall allow a pet, other than a cat, to run at large anywhere in the Town, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.
- 16.5 **Leashing of Dogs** - No dog shall be permitted in any street or public way in the Town unless effectively restrained by a leash or chain not exceeding seven (7) feet in length.
- 16.6 **Complaint of Nuisance** - If any person shall make a complaint to the animal control officer or, in the case of after-hours complaints, to the police, concerning a violation of this Section 16, the investigating officer shall investigate such complaint and may prescribe fines, confinement, muzzlement, or removal or recommend disposal in accordance with this section. The process for regulating dangerous or nuisance dogs shall comply with the Massachusetts General Laws Chapter 140, Section 157.
- 16.7 **Fines** - If the investigating officer determines that a violation of this section has occurred, fines may be levied according to the following schedule:

First offense	\$50.00
Second offense	\$75.00
Third and subsequent offenses	\$100.00
Unrestrained dog found on school or park property	\$100.00
Dog unlicensed	\$100.00
Kennel unlicensed	\$300.00
Dog unvaccinated for rabies	\$300.00

In addition to the foregoing fines, pursuant to Chapter 140, Sections 137 and 138 of the Massachusetts General Laws, a dog owner shall license his or her dogs in the Town of Natick annually by March 1, and shall pay the required license fee. Any dog owner who fails to do so shall pay to the Town of Natick a fine in the amount of \$50.00 per dog in addition to the annual license fee as pursuant to Chapter 140, Section 141 of the Massachusetts General Laws.

In addition to the foregoing fines, pursuant to Chapter 140, Sections 137A of the Massachusetts General Laws, a person maintaining a kennel shall license his or her kennel annually by March 1<sup>st</sup>, and shall pay the required license fee. Any kennel owner who fails to do so shall pay to the Town of Natick a fine in the amount of \$50.00 in addition to the annual license fee as pursuant to Chapter 140, Section 141 of the Massachusetts General Laws.

16.8 **Confinement** - The investigating officer may order an animal to be muzzled or confined to the owner's premises when, in the investigating officer's judgment, it is required for any of the following reasons:

- (1) If found at large or unmuzzled, as the case may be, while an order of the Select Board for the muzzling or confinement is in effect.
- (2) If found in a school, school yard or public recreational area.
- (3) For having bitten any person.
- (4) For having killed, maimed or damaged any other domesticated animal or livestock.
- (5) For chasing any vehicle upon any public way or way open to public travel in the Town.
- (6) For any violation of Sections 16.1 through 16.5.

16.9 **Recommendation for Disposal** - The investigating officer may recommend disposal of an animal to the Select Board when in the investigating officer's judgment it is required for any violation of Section 16.

16.10 **Other Fees and Charges** - The owner shall be responsible for any fines, kennel fees, court and legal costs, as well as the cost of publishing and sending notices. These fees must be paid before any pet is released from confinement.

16.11 **Definition** - For the purpose of this section, pet shall be defined as follows:

**Pet:** any domesticated animal, not including livestock or fowl, which is commonly housed within or upon the owner's or keeper's premises.

16.12 **Select Board Review** - If any person shall make a complaint of the Select Board, in writing, that a person is aggrieved by the ruling of an investigating officer, the Select Board shall investigate said complaint. The Select Board may examine the complainant

under oath. The Select Board may make an order concerning the restraint or disposal of said animal as may be deemed necessary.

16.13 **Judicial Review** - Any person aggrieved by any order of the Select Board may seek judicial review in the manner provided in MGL, Chapter 140, Section 157.

16.14 **Applicability of General Laws** - This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in MGL, Chapter 140, but is in addition thereto.

16.15 **Dog License and Kennel License Fees**

Un-Neutered Male and Un-Spayed Female	\$15.00 per dog
Neutered Male and Spayed Female	\$10.00 per dog
Kennels	
4-9 Dogs	\$50.00
10-24 Dogs	\$75.00
25 or more Dogs	\$100.00

**Section 17 Storage of Unregistered Motor Vehicles and Trailers**

17.1 **Unregistered Motor Vehicles** - Unless authorized by the Select Board, no person shall in a residential district store any unregistered motor vehicle or component part or parts thereof in a front yard, front driveway, on a vacant lot, or visible from the street; nor shall any person, without such authorization keep ungaraged on any lot in such a district more than one such unregistered motor vehicle or component parts thereof.

17.2 **Unregistered Trailers** - Unless authorized by the Select Board, no person shall in a residential district store any unregistered trailer or component part or parts thereof in a front yard, front driveway, on a vacant lot, or visible from the street; nor shall any person, without such authorization keep ungaraged on any lot in such a district more than one such unregistered trailer or component parts thereof.

**Section 18 Snow Removal**

- a. The purpose of this section is to help ensure the safety and convenience of the public on public ways and sidewalks following winter weather, and providing the Town and the Police Department with a basis for education and enforcement.
- b. For purposes of this section, “public way” is defined as a paved, publicly accepted street, sidewalk or walking path, or any paved street, sidewalk or walking path to which the public has the right of access.
- c. Any person leaving a vehicle upon a public way so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
- d. No person shall deposit snow or ice into or upon any public way so as to impede Town snow removal operations, or to obstruct travel, or against or upon any fire hydrant, without the authority of the Town Administrator or his designee.
- e. The Select Board or their designee may temporarily suspend any provisions of this section in the case of extreme conditions.

- f. The Select Board may exempt any public way or portions thereof from any provisions of this section.

### **Section 19 Prohibitions on Ponds**

The use and operation of any internal combustion engine in or upon that portion of any pond located in the Town of Natick is prohibited. The provision of this section shall not apply to the Commonwealth of Massachusetts or any political subdivision thereof.

### **Section 20 Disposal of Rubbish**

Disposal of trash, bottles, cans, or rubbish on private land or public property is prohibited.

### **Section 21 Use of Off-Road Vehicles**

Motorized recreational vehicles, including without limitation, trail bikes, snowmobiles, all-terrain vehicles and other off-road vehicles, may not be used on public property unless the agency in charge thereof shall have opened the land for the use of such vehicles and shall have erected signs stating that such uses are permitted. Said vehicles may not be used on private property without the permission of the owner or tenant; permission may be given in advance and may be given to an individual or club, or by the posting of appropriate permission signs by the owner or a person authorized by him.

Operations of motorized recreational vehicles must conform with other prevailing laws and regulations.

With respect to public property owned by the Town of Natick, the provisions of this Section 21 may be enforced by the officer, department, board or commission which has care, custody and control of the subject public property.

Whoever violates any provision of this section of the by-law shall be subject to a fine of fifty dollars (\$50.00) for the first violation and one hundred fifty (\$150.00) for each subsequent violation. Each day that a violation continues shall constitute a separate offense. Whoever violates any provision of this section of the by-law shall be liable for payment to the Town of Natick of restitution in the full amount of damage to Town of Natick property which results from such violation.

### **Section 22 Designated Parking Spaces for the Handicapped**

22.1 **Authority** - Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates or placard authorized by section two of Chapter 90 of the General Laws shall be provided in public and private off-street parking areas.

22.2 **Provision for** - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping, malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for

any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by Section two of Chapter 90 of the Massachusetts General Laws. The number of such spaces shall be determined by the Town Building Department in accordance with current Massachusetts laws and regulations.

- 22.3 **Identification of** - Parking spaces designated as reserve under the provisions of Paragraph 22.2 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking; Special Plates Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be thirteen feet wide or two eight-foot wide areas with five feet of cross hatch between them. Such spaces shall be identified by a sign at each space. This sign shall be located no more than ten (10) feet away, and shall be located at a height of not less than five (5) feet, nor more than eight (8) feet to the top of the sign.
- 22.4 **Prohibited Parking** - The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or within a cross hatch area which is adjacent to a parking space designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.
- 22.5 **Penalty for Violation** - The penalty for violation of Paragraph 22.4 of this by-law shall be three hundred dollars (\$300.00). The vehicle may be removed according to the provisions of Section 120D of Chapter 266 of the General Laws.

### **Section 23 Identification of Dwellings**

Every building containing dwellings shall be identified by a street number, to be affixed to and displayed on such building, or elsewhere on the property containing such building, in such manner as to be readily visible from the street.

### **Section 24 Construction Hours**

No construction activity shall be conducted in the Town of Natick on Monday through Friday other than between the hours of 7:00 A.M. through 7:30 P.M. No construction activity shall be conducted in the Town of Natick on a Saturday or Sunday other than between the hours of 8:00 A.M. through 6:00 P.M.

Construction activity may be conducted outside of the foregoing times only if the Planning Board, after consideration of a request therefor at a public meeting, makes a determination that compelling circumstances exist to justify such a request.

In this context 'construction activity' means any activity for which a building permit is required. The restrictions set forth in this bylaw shall not apply to construction activity where there is no evidence of such activity audible at the property line of the property where construction is taking place.



Notwithstanding any other provision of this section, construction activity may be permitted outside of the foregoing times where required by emergency conditions as determined by the Building Commissioner or, in the Building Commissioner's absence, by the Chief of Police or the designee of the Chief of Police.

Notwithstanding the foregoing, nothing in this section shall limit the authority of a Special Permit Granting Authority to set or limit construction hours as part of the issuance of a special permit.