

ARTICLE 78

REMOVAL OF OVERHEAD WIRES

Section 1 Authority

This by-law is adopted to implement a program proposed by the Planning Board to advance the public safety, health, convenience and welfare, pursuant to G.L. Chapter 166, Sections 22A through 22N, by prohibiting new installation or construction or upgrading or replacement of poles, overhead wires and associated overhead structures upon, along or across any public way or ways within the area of Natick designated in Section 7.1 and 7.2 of this by-law, and by requiring the removal of utility poles, overhead wires and associated overhead structures which are located upon, along or across any public way or ways within the area of Natick designated in Section 7 below.

Section 2 Definitions

The following terms shall have the meaning set forth in Chapter 166, Section 22A of the Massachusetts General Laws.

- a. Person
- b. Poles and overhead wires and associated overhead structures
- c. Utility

Section 3 Program Requirements

- a. No utility shall be permitted to install, construct, upgrade or replace any poles and overhead wires and associated overhead structures upon, along or across any public way or ways located within the area of Natick designated in Section 7.1 and 7.2 of this by-law.
- b. Each utility shall remove its poles and overhead wires and associated overhead structures which are located upon, along or across any public way or ways located within the area of Natick designated in Section 7.1 and 7.2 of this by-law.
- c. Subject to Section 6 of this by-law, each utility with poles or overhead wires or associated overhead structures subject to the removal requirements of this by-law as originally approved shall comply with the removal provisions of this by-law within 180 days of the effective date of this by-law. Each utility with poles or overhead wires or associated overhead structures which become subject to the removal requirements of this by-law by virtue of an amendment to this by-law, shall comply with said removal requirements within 180 days of the effective date of said amendment to this by-law.
- d. The Planning Board may from time to time establish design standards and criteria for implementation of the program for removal of overhead wires.

Section 4 Underground Construction; Customer Service Facilities

All underground construction and conduits, conductors and associated equipment necessary to receive utility service between the utility's service facilities referred to in G. L. Chapter 166, Section 22H and the service facilities in the building or structure being serviced, shall be deemed to be "customer's service facilities". Any utility in providing underground replacement facilities for any poles and overhead wires and associated overhead structures located upon, along, or

across any public ways in accordance with this Article 78, within those parts of Town specified in Section 7 hereof, shall install customer's service facilities as defined in this Section 4.

Section 5 Emergency Erection of Overhead Poles, Overhead Wires and Associated Overhead Structures

Notwithstanding the provisions of this by-law the Select Board may grant special permission, for such period and on such terms as it may deem appropriate, in case of emergency or unusual circumstances, without discrimination as to any person or utility to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures. No person shall be deemed to have violated this by-law for doing any act authorized by any such special permission.

Section 6 Cooperation Agreements

Pursuant to G.L. Chapter 166, Section 22E the Town of Natick may enter into, amend and perform cooperation agreements with a utility by which the utility shall pay money to the Town of Natick and the Town of Natick may expend some or all of such money to remove or cause to be removed any poles and overhead wires and associated overhead structures of such utility's service, to replace the same (or cause them to be replaced) with underground facilities.

Section 7

7.1 Prohibition of New Installation or Construction of Overhead Poles and Overhead Wires and Associated Overhead Structures

The new installation or construction of overhead poles and overhead wires and associated structures located within the town of Natick is prohibited

7.2 Designated Parts of Town for Removal of Overhead Poles and Overhead Wires and Associated Overhead Structures

Subject to Section 6 of this by-law, all overhead poles and overhead wires and associated overhead structures in place on or before January 1, 2008 located within the Town of Natick shall be included in the program for removal of overhead wires.

Section 8 Cost of Compliance

The increased cost to a utility of providing service due to adoption of this by-law shall be charged to ratepayers as permitted by the Massachusetts Department of Public Utilities.

Section 9 Penalties

- a. Any person who violates Section 3a of this by-law shall be punished by a fine of not less than one thousand dollars and no more than five thousand dollars.
- b. Any person who violates Sections 3b, 3c or 3d of this by-law shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen-day period during which said violation continues.