

ARTICLE 78A

PROMPT REMOVAL OF UTILITY POLES

Consistent with the provisions of Section 34B of Chapter 164 of the Massachusetts General Laws, an electric distribution company or telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs and the removal of the existing pole from the site within ninety days from the date of installation of the new pole or within ninety days from the effective date of this by-law, whichever is later; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least forty-eight hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

For purposes of this provision the term “owner” shall mean the entity which holds legal title to the pole or which holds a majority interest in legal title to the pole.

Violations of the terms of this by-law shall be punishable by a penalty of one hundred dollars (\$100.00) for each pole for each day of violation. This by-law may be enforced by a non-criminal disposition pursuant to Chapter 40, Section 21D of the Massachusetts General Laws by any police officer, the Inspector of Buildings or the Director of Public Works of the Town.