

DIVISION 3

**SELECTMEN'S
REGULATIONS**

Chapter 178
BAZAARS AND CASINOS

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| § 178-1. Compliance required. | § 178-6. Report to State Lottery Commission required. |
| § 178-2. Definitions. | § 178-7. Number per year limited. |
| § 178-3. Notice required prior to conduct. | § 178-8. Violations and penalties. |
| § 178-4. Sponsorship to be limited. | § 178-9. Severability. |
| § 178-5. Rules and regulations for conduct. | |

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 2-22-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Outdoor events — See Ch. 194, § 194-17.

Adult entertainment — See Ch. 178, § 178-18.3.

One-day alcoholic beverage licenses — See Ch. 194, § 194-18.

Alcoholic beverage license fees — See Ch. 181.

§ 178-1. Compliance required.

No bazaar shall be conducted in any establishment licensed to serve alcoholic beverages in violation of MGL C. 271, or the rules and regulations hereinafter provided.

§ 178-2. Definitions.

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

BAZAAR — A function disposing of cash awards or merchandise by means of chance, provided that the term shall not be deemed to include the conduct of the game commonly known as “beano” or the conduct of raffles otherwise authorized by law.

§ 178-3. Notice required prior to conduct.

A licensee shall not allow the conduct of a bazaar on the licensed premises unless he has delivered written notice of the bazaar to the Board of Selectmen at least 30 days before the date on which the bazaar is held. The notice delivered to the Board shall include the following information:

- A. The date and time of the bazaar.
- B. The name of the organization conducting the bazaar and the name and address of the member of the organization in charge of the conduct of the bazaar.

- C. The terms and conditions of agreement between the organization conducting the bazaar and the licensee relating to the use of the licensed premises.
- D. An identification of the portion or room of the licensed premises to be used for the function.
- E. A copy of lease or other agreement between the sponsoring organization and person furnishing any equipment for the conduct of the bazaar.
- F. A list of all the members of the organization sponsoring the bazaar who will be participating in the promotion and operation of the bazaar, including the address of each member, the date the individual became a member of the organization, and if the organization has more than one class of members, the designation of each member.
- G. A copy of the organization's bazaar permit.

§ 178-4. Sponsorship to be limited.

A licensee shall not allow a bazaar which is sponsored by more than one organization.

§ 178-5. Rules and regulations for conduct.

All bazaars conducted on licensed premises shall be conducted in accordance with the rules and regulations contained in 961 CMR 4.04 (State Lottery Commission Regulations); provided, however, that the term "licensed organization" as used in said rules and regulations shall be deemed to include every organization conducting a bazaar on licensed premises, and provided further that in the event that said rules or regulations require written approval of the Director of the State Lottery Commission for any activity, the approval of the Board of Selectmen shall be required if the organization is not otherwise subject to the provisions of said rules and regulations.

- B. In addition to the rules and regulations contained in 961 CMR 4.04, the following rules shall apply:
 - (1) Each worker shall wear a badge stating the name of the worker and the name of the organization sponsoring the bazaar.
 - (2) The sequentially-numbered ticket of admission shall have printed thereon the admission charge, the name of the sponsoring organization, the date of the bazaar and the name and address of the licensed premises.
 - (3) No person under the age of 20 years shall be allowed in the portion of the premises in which the bazaar is conducted.
 - (4) The bazaar must terminate at or before 12:00 midnight.
 - (5) Only organizations with principal places of business in the Town of Northbridge shall be permitted to conduct bazaars on licensed premises.

§ 178-6. Report to State Lottery Commission required.

The license holder shall require that each organization sponsoring a bazaar at the licensed premises shall forward a copy of the organization's return to the State Lottery Commission directly to the Board of Selectmen within 10 days after the bazaar is held. The licensee shall notify the sponsoring organization that failure to so report may result in the Board of Selectmen prohibiting licensed establishments from allowing such organization to conduct bazaars.

§ 178-7. Number per year limited.

No licensee shall have more than two bazaars conducted on its licensed premises in any calendar year. For the purposes of these regulations, each day a bazaar is held shall be considered a separate function.

§ 178-8. Violations and penalties.

Conduct of a bazaar on licensed premises in violation of these rules or regulations shall be cause for suspension or revocation of the alcoholic beverage license.

§ 178-9. Severability.

These regulations shall be considered severable, and if any section or sections or portions thereof should be ruled illegal or unconstitutional, the remaining regulations and portions thereof shall remain in force and effect.

Chapter 179

BOOT DRIVE POLICY

§ 179-1. Number permitted; location; conditions.

§ 179-2. Suspension.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 12-4-2006; amended in its entirety 4-28-2008. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 199.

§ 179-1. Number permitted; location; conditions.

A. The Town of Northbridge will allow one boot drive per month at Memorial Square and/or Ovia Square from April 1st through November 1st for the purpose of raising funds for a registered charity under the following conditions:

1. All drives must be approved in advance by the Police Department.
2. All drives are limited to the hours of 9:00 AM and 3:00 PM.
3. Each location will be limited to a maximum of 5 participants.
4. All participants must be at least 18 years of age at the time of the drive.
5. All participants must wear a reflective vest approved by the Police Department.
6. All participants may approach the traffic from the sidewalk or island side and:
 - a. Not impede the flow of traffic
 - b. Not activate the electronic crosswalk devices
 - c. Not harass or intimidate drivers.

B. **BOOT DRIVES WILL NOT BE ALLOWED FROM NOVEMBER 2ND through MARCH 31ST.**

§ 179-2. Suspension.

The Northbridge Police Department shall have the authority to suspend any drive in the interest of public safety.

Chapter 180

CRIMINAL OFFENDER RECORD INFORMATION

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| § 180-1. Applicability. | § 180-6. Verification of identity of applicant. |
| § 180-2. Conduct of screening; acknowledgement form. | § 180-7. Inquiries about criminal history. |
| § 180-3. Access to CORI. | § 180-8. Determination of suitability. |
| § 180-4. CORI training. | § 180-9. Adverse decisions based on CORI. |
| § 180-5. Use of criminal history in background screening. | § 180-10. Secondary dissemination logs. |

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 4-8-2013. Amendments noted where applicable.]

§ 180-1. Applicability.

- A. This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing.
- B. Where criminal offender record information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed.

§ 180-2. Conduct of screening; acknowledgement form.

- A. CORI checks will only be conducted as authorized by the DCJIS (Department of Criminal Justice Information Services) and MGL c. 6, § 172, and only after a CORI acknowledgement form has been completed.
- B. With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI acknowledgement form, the subject shall be given 72 hours' notice that a new CORI check will be conducted.
- C. If a requestor is screening for the rental or leasing of housing, a CORI acknowledgement form shall be completed for each and every subsequent CORI check.

§ 180-3. Access to CORI.

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know." This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job

applications. The Town of Northbridge must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six months and is subject to inspection upon request by the DCJIS at any time.

§ 180-4. CORI training.

- A. An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Town of Northbridge will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.
- B. Additionally, if the Town of Northbridge is an agency required by MGL c. 6, § 171A to maintain a CORI policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

§ 180-5. Use of criminal history in background screening.

- A. CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.
- B. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

§ 180-6. Verification of identity of applicant.

- A. If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI acknowledgement form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.
- B. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

§ 180-7. Inquiries about criminal history.

In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

§ 180-8. Determination of suitability.

- A. If a determination is made, based on the information as provided in § 180-6 of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:
- (1) Relevance of the record to the position sought;
 - (2) The nature of the work to be performed;
 - (3) Time since the conviction;
 - (4) Age of the candidate at the time of the offense;
 - (5) Seriousness and specific circumstances of the offense;
 - (6) The number of offenses;
 - (7) Whether the applicant has pending charges;
 - (8) Any relevant evidence of rehabilitation or lack thereof; and
 - (9) Any other relevant information, including information submitted by the candidate or requested by the organization.
- B. The applicant is to be notified of the decision and the basis for it in a timely manner.

§ 180-9. Adverse decisions based on CORI.

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of the DCJIS' Information Concerning the Process for Correcting a Criminal Record.

§ 180-10. Secondary dissemination logs.

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

Chapter 180A

DESIGNER SELECTION

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| § 180A-1. Applicability. | § 180A-9. Contracts for design services. |
| § 180A-2. Awarding authority. | § 180A-10. Emergency work. |
| § 180A-3. Committee requirements. | § 180A-11. Publication of awards. |
| § 180A-4. Requests for qualifications. | § 180A-12. Recordkeeping. |
| § 180A-5. Evaluation of applicants. | § 180A-13. Evaluation of performance. |
| § 180A-6. Selection of finalists. | § 180A-14. Interpretation of provisions. |
| § 180A-7. Selection of designer;
negotiation of fee. | § 180A-15. Affirmative marketing
program. |
| § 180A-8. Projects with feasibility
studies. | |

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 12-19-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 173.

Zoning fees — See Ch. 181, Art. III.

Subdivision rules and regulations — See Ch. 222.

§ 180A-1. Applicability.

These procedures govern the selection of an architect or engineer to provide designer services for any Town building project subject to the State Designer Selection Law, MGL c. 7, §§ 38A1/2-O. "Designer services" include the preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates and programs; preparation of drawings, plans, and specifications, including schematic drawings and preliminary plans and specifications; supervision or administration of a construction contract; and construction management and scheduling (MGL c. 7, § 38A1/2). Any other local law governing the procurement of services will be inapplicable to these procurements.

§ 180A-2. Awarding authority.

The Board of Selectmen and Building, Planning and Construction Committee ("awarding authority") have the authority to conduct the designer selection process for the Town, unless another Town officer, board or committee is so designated by vote of the Town Meeting. The awarding authority may delegate any duties described herein to the extent such delegation is permissible by law.

§ 180A-3. Committee requirements.

- A. The awarding authority shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process.
- B. No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:
 - (1) Has a direct or indirect financial interest in the award of the design contract to any applicant;
 - (2) Is currently employed by, or is a consultant to or under contract to, any applicant;
 - (3) Is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
 - (4) Has an ownership interest in, or is an officer or director of, any applicant.

§ 180A-4. Requests for qualifications.

- A. A request for qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the Town, in the Central Register published by the Secretary of the Commonwealth, and in any other place required by the awarding authority, at least two weeks before the deadline for filing applications.
- B. The advertisement shall contain the following information:
 - (1) A description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
 - (2) If there is a program or prior feasibility study for the building project, a statement of when and where the program or study will be available for inspection by applicants;
 - (3) When and where a briefing session (if any) will be held;
 - (4) The qualifications required of applicants;
 - (5) The categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - (6) Whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - (7) When and where the RFQ can be obtained and the applications must be delivered.
- C. The RFQ shall include the current Massachusetts Designer Selection Board "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction." The application form may be amended to include additional information on a project-specific basis.

§ 180A-5. Evaluation of applicants.

The Committee shall evaluate applicants based on the following criteria:

- A. Prior similar experience;
- B. Past performance on public and private projects;
- C. Financial stability;
- D. Identity and qualifications of the consultants who will work with the applicants on the project; and
- E. Any other criteria that the Committee considers relevant to the project.

§ 180A-6. Selection of finalists.

- A. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
- B. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the awarding authority. No person or firm, including applicants' listed consultants, debarred pursuant to MGL c. 149, § 44C, shall be included as a finalist on the list.
- C. The list must be accompanied by a written explanation of the reasons for selection, including the recorded vote of the Committee, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.

§ 180A-7. Selection of designer; negotiation of fee.

- A. If the fee was set prior to the selection process, the awarding authority shall select a designer from the list of finalists. If the awarding authority selects a designer other than the one ranked first by the Committee, the awarding authority shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
- B. If the fee is to be negotiated, the awarding authority shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The awarding authority shall request a fee proposal from the first-ranked designer remaining on the list and begin contract negotiations. If the awarding authority is unable to negotiate a satisfactory fee with the first-ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the awarding authority prior to selection of finalists.
- C. If the awarding authority is unable to negotiate a satisfactory fee with any of the finalists, the awarding authority shall recommend that the Committee select additional finalists.

§ 180A-8. Projects with feasibility studies.

The awarding authority may allow a designer who conducted a feasibility study to continue with the design of a project, provided that the awarding authority conducts a solicitation that complies with the requirements of the Designer Selection Law and these procedures. The awarding authority may commission, at its discretion, an independent review of the feasibility study, by a knowledgeable and competent individual or business doing such work to ensure its reasonableness and its adequacy before allowing the designer to continue on the project.

§ 180A-9. Contracts for design services.

- A. Every contract for design services shall include the following:
- (1) Certification that the designer has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - (2) Certification that no consultant to, or subcontractor for, the designer has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer;
 - (3) Certification that no person, corporation, or other entity, other than a bona fide full-time employee of the designer, has been retained or hired by the designer to solicit for or in any way assist the designer in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
 - (4) Certification that the designer has internal accounting controls as required by MGL c. 30, § 39R(c), and that the designer has filed and will continue to file an audited financial statement as required by MGL c. 30, § 39R(d).
- B. All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope of services.
- C. The awarding authority shall not enter into a contract for design services unless the awarding authority or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of \$1,000,000 or 10% of the project's estimated cost of construction, or such larger amounts as the awarding authority may require, for the applicable period of limitations. A designer required by the awarding authority to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the awarding authority simultaneously with the execution of the contract.

- D. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the awarding authority individual responsible for administering the design contract.

§ 180A-10. Emergency work.

- A. In the event of an emergency that precludes the normal use of these designer selection procedures, the awarding authority may elect to authorize expedited procedures to address the emergency. The awarding authority shall document, in writing, the reasons for the emergency declaration, the proposed scope of services, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.
- B. The awarding authority may select three finalists from any standing list of designers who have applied for projects of a similar nature or may otherwise select three designers to be considered as finalists for the project. The awarding authority shall rank the finalists in order of qualification and select the designer for the emergency work.

§ 180A-11. Publication of awards.

The awarding authority shall publish the name of any designer awarded a contract in the Central Register.

§ 180A-12. Recordkeeping.

- A. The following records shall be kept by the awarding authority:
- (1) All information supplied by or obtained about each applicant;
 - (2) All actions taken relating to the project; and
 - (3) Any other records related to designer selection.
- B. All records shall be available for inspection by the State Designer Selection Board and other authorized agencies.

§ 180A-13. Evaluation of performance.

The awarding authority shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with MGL c. 7, § 38E(g), and file completed evaluations with the Board and any other agency named in MGL c. 7, § 38E(g).

§ 180A-14. Interpretation of provisions.

Nothing in these procedures shall be interpreted to require the establishment of a local designer selection board or waive or reduce the requirements of any other applicable law or regulation.

§ 180A-15. Affirmative marketing program.

Any design or construction project that is funded, in whole or in part by the Commonwealth (such as reimbursements, grants and the like) shall include an affirmative marketing program consistent with the requirements of the Construction Reform Law, Chapter 193 of the Acts of 2004, and revisions to MGL c. 23A, § 44, and MGL c. 7, § 40N.

Chapter 181

FEES

ARTICLE I (Reserved)

§ 181-1. (Reserved)

ARTICLE II Gas and Plumbing Inspections

§ 181-2. Fees enumerated.

ARTICLE III Zoning Fees

§ 181-3. Fees enumerated.

ARTICLE IV Plumbing and Gas Permit Fees

§ 181-4. Plumbing and Gas Permit Fee Schedule.

ARTICLE V Electrical Permit Fees

§ 181-5. Electrical Permit Fee Schedule.

ARTICLE VI Building Permit Fees

§ 181-6. Building Permit Fee Schedule.

[HISTORY: Adopted by the Board of Selectmen as indicated in article histories. Amendments noted where applicable.]

ARTICLE I (Reserved) ¹

§ 181-1. (Reserved)

ARTICLE II Gas and Plumbing Inspections [Adopted 1-9-1984]

§ 181-2. Fees enumerated.

The following fees are charged for gas and plumbing inspections:

- A. Gas inspection.
 - (1) Per family living unit \$10.
 - (2) Per business: \$10.
- B. Gas conversion inspection.

1. Editor's Note: Former Art. I, License Fees, adopted 12-6-1976, was removed from the Code as it was outdated. For current fees, see § 194-16.

- (1) Per family living unit: \$20.
 - (2) Per business: \$20.
- C. Plumbing inspection.
- (1) Per family living unit: \$20.
 - (2) Per business: \$20, plus \$2 per fixture; over four fixtures, \$5 per fixture.

ARTICLE III
Zoning Fees
[Adopted 8-14-1989]

§ 181-3. Fees enumerated.

- A. Filing fees.
- (1) Commercial and industrial site plans. The minimum filing fee shall be \$250 and \$10 per parking space required under Article VIII of the Northbridge Zoning Chapter.
 - (2) Planned unit development site plans. The filing fee for preliminary site plans shall be \$250 and \$0.25 per linear foot of new roadway shown in the site plan; the filing fee for definitive site plans shall be \$750 and \$0.75 per linear foot of new roadway shown in the site plan.
 - (3) Planned townhouse development (R-6) site plan. The filing fee for planned townhouse developments site plans in R-5 shall be \$250 and \$80 per dwelling unit.
- B. Reasonable review fees. All expenses for engineering and professional planning review, as deemed necessary by the Northbridge Planning Board, Zoning Board of Appeals or Building Inspector, for plans, construction, inspection, recording and filing of documents, review of special studies and all other expenses in connection with preliminary and definitive site plans shall be borne by the applicant and shall be in addition to the filing fees required under Subsection A above. The applicant shall place a sum in escrow with the reviewing Board and the Town of Northbridge to be used for the payment of these review costs. The amount will be determined by the reviewing Board based on estimates made from similar site plans and shall be added as needed within 30 days of the request of the reviewing Board. Failure of the applicant to comply with the requirements of this section shall be deemed adequate cause for disapproval of the plan.

ARTICLE IV
Plumbing and Gas Permit Fees
 [Adopted 8-10-2009]

§ 181-4. Plumbing and Gas Permit Fee Schedule.

Residential Plumbing and Gas

Type	Fee
New home (per dwelling unit)	\$100 plus \$5 each fixture
Additions/renovations (per dwelling unit)	\$50 plus \$5 per fixture
Minimum permit fee	\$50
Reinspection	\$25

Commercial Plumbing and Gas

Type	Fee
New construction	\$100 plus \$10 per fixture
Renovations/additions (per unit)	\$75 plus \$10 per fixture
Minimum plumbing permit fee	\$75
Reinspection	\$25

Notes:

1. A separate plumbing/gas permit must be filed for each dwelling unit and each separate place of business.
2. The required fee will be doubled if work is started prior to obtaining a permit.
3. A certificate of insurance and workers' compensation affidavit must be provided.
4. Permits are nonrefundable and nontransferable.
5. Work must be performed by a licensed plumber.

ARTICLE V
Electrical Permit Fees
 [Adopted 8-10-2009]

§ 181-5. Electrical Permit Fee Schedule.

Residential

Type	Fee
New home (per dwelling unit)	\$150 (with service)
Garage	\$75 (without service)
Service (new or upgrade)	\$50 per meter

Residential

Type	Fee
Additions or renovations (per dwelling unit)	\$50 (1 and 2 rooms) \$100 (3 plus rooms)
In-ground pool	\$75
Aboveground pool	\$50
Temporary service	\$50
Minimum permit fee	\$50
Reinspection	\$25

Commercial

Type	Fee
New construction	\$100 plus 2% of contract price
Service (new or upgrade)	
100 AMPS	\$100
200 AMPS	\$150
400 AMPS	\$200
600 AMPS	\$300
Over 600 AMPS	\$400
Each additional meter	\$75
Additions or renovations	
Estimated value of electrical work up to \$2,500	\$75
Estimated value of electrical work over \$2,500	\$100 plus 1% of estimated value of electrical work
Annual maintenance permit	\$150
Minimum permit fee	\$75
Reinspection	\$25

Notes:

1. A separate electrical permit must be filed for each dwelling unit and each separate place of business.
2. Work started without a permit is subject to double the fee.
3. Work must be performed or supervised by a licensed electrician.
4. A certificate of insurance and workers' compensation insurance affidavit must be provided.
5. Permits are nonrefundable and nontransferable.

ARTICLE VI
Building Permit Fees
[Adopted 8-10-2009]

§ 181-6. Building Permit Fee Schedule.

Residential	
Type	Fee
New construction (per dwelling unit)	\$8 per \$1,000 of estimated cost (ICC cost table)
Additions (per dwelling unit)	\$8 per \$1,000 of estimated cost (\$50 minimum)
Renovations (per dwelling unit)	\$8 per \$1,000 of estimated cost (\$50 minimum)
Pools	
In-ground	\$75
Aboveground	\$50
Shed or deck	\$50
Wood/pellet stove	\$50
Foundation	\$50
Reinspection	\$25
Duplicate permit (lost permit)	\$25

Commercial	
Type	Fee
New construction	\$10 per \$1,000 of estimated cost (ICC cost table)
Additions/renovations (per unit)	\$10 per \$1,000 of estimated cost

Notes:

1. There is a minimum permit fee of \$50 on all building permits.
2. Building permit fees are nonrefundable.
3. Work started without a permit is subject to double the fee.
4. The permit will become null and void if construction work is not started within six months of the date the permit is issued unless an extension has been granted in writing by the Building Inspector.

Chapter 188
LIAISON AND WORK ASSIGNMENTS

§ 188-1. Maintenance of liaisons.

§ 188-2. Department heads' meetings.

§ 188-3. Policymaker's meetings.

**§ 188-4. Performance reviews;
department reports.**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 9-28-1987.
Amendments noted where applicable.]**

§ 188-1. Maintenance of liaisons.

As the executive board, responsible for the overall leadership and coordination of town affairs, and in order to promote close cooperation among town groups, the Selectmen shall maintain close liaison with selected boards and committees, as well as the departments for which they are directly responsible.

§ 188-2. Department heads' meetings.

It shall be the responsibility of the Town Administrator to call together all town department heads from time to time to meet for the purpose of promoting communication and cooperation among this group of full-time town employees. The subject matter of these meetings may vary depending on the concerns of those participating.

§ 188-3. Policymaker's meetings.

It shall be the responsibility of the Board of Selectmen to call together the Chairman or their designated representatives of policy and regulatory boards from time to time to meet for the purpose of promoting communication and cooperation among those various town boards, committees or commissions.

§ 188-4. Performance reviews; department reports.

- A. The Selectmen will conduct an annual performance review of the Town Administrator, Police Chief, Fire Chief, Town Accountant, Town Counsel and Building Inspector in the month of January.
- B. Department Chairmen shall annually present a report detailing goals accomplished during the previous year and present to the Board of Selectmen goals for the coming fiscal year.

Reports shall be written and presented in person and on forms supplied by the Town Administrator's office.¹

¹ Editor's Note: A copy of the form to be used for department reports is on file in the Selectmen's office and may be inspected there.

Chapter 189
LIVERIES AND TAXIS

- | | |
|--|---|
| § 189-1. Purpose and authority. | § 189-7. Livery vehicle and taxicab owners and operators. |
| § 189-2. Definitions. | § 189-8. Inspection of livery vehicles and taxicabs. |
| § 189-3. Implementation. | § 189-9. Severability. |
| § 189-4. Permit and fees. | Livery/Taxi Application |
| § 189-5. Violations and penalties. | Livery/Taxi License |
| § 189-6. Livery and taxicab license regulations. | Livery/Taxi Operator's License |

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 4-9-2007 Amendments noted where applicable.]

GENERAL REFERENCES

Administrative organization — See Ch. 4.

Vehicles and traffic — See Ch. 199.

§ 189-1. Purpose and authority.

Motor vehicles for hire are regulated and licensed by the Board of Selectmen of the Town of Northbridge to ensure the safety of the public. These rules and regulations are adopted pursuant to MGL Chapter 40 § 22 and Chapter 4, Administrative Organization, and Chapter 199, Vehicles and Traffic, of the Code of the Town of Northbridge.

The Board of Selectmen may promulgate rules and regulations for the administration, ownership and operation of livery vehicles and taxicabs. The Board of Selectmen reserve the right to amend any section of these rules and regulations after proper public notice. The Board of Selectmen may suspend or revoke the license to own or operate a livery or taxicab for cause.

§ 189-2. Definitions.

For the purposes of this section, whenever the following terms are used they will have the meanings ascribed to them:

BOARD — The Board of Selectmen of the Town of Northbridge.

LIVERY VEHICLE — A vehicle for hire for livery purposes not equipped with taxi meter, does not operate on a fixed route and is hired by means of a telephone request or a contract for a prearranged fare arranged in advance of the time of the designated pickup. A livery vehicle will display a livery motor vehicle registration plate issued by the Registry of Motor Vehicles. The definition of a limousine is within this class of vehicle. The definition of a limousine shall not include vehicles engaged exclusively to provide services to funeral homes.

OPERATOR — A person who has an operator's license from the Commonwealth or other state to operate motor vehicles and also a license to operate vehicles for hire in the Town of Northbridge.

TAXI — Any vehicle which carries passengers for hire; it may or may not be equipped with a taxi meter. A taxi is used to solicit passengers for hire on streets and parking areas open to the public.

TAXI METER — A mechanical instrument or device by which a charge for hire is calculated either for distance traveled or for waiting time or both, and upon which such charges shall be clearly indicated by means of a figure displayed.

§ 189-3. Implementation.

All provisions of these rules and regulations shall be in effect beginning 45 days following the date of adoption by the Board of Selectmen.

§ 189-4. Permit and fees.

Permits shall be issued for a term of one calendar year or portion of a calendar year, if issued in mid-year and shall be renewable during the month of December of each year for the following calendar year.

The annual fee for a Livery/Taxi license shall be \$25 payable by check to the "Town of Northbridge."

The annual fee for a Livery/Taxi Operator's license shall be \$25 payable by check to the "Town of Northbridge."

The fee for a Livery/Taxicab license or a Livery/Taxi Operator's license shall be set by the Board as authorized under MGL Chapter 40, § 22F and in § 5-107 of the Code of the Town of Northbridge.

§ 189-5. Violations and penalties.

All complaints and violations of these Rules and Regulations against operators of Livery Vehicles or Taxicabs and the owners of Livery Vehicles and Taxicabs shall be brought before the Board of Selectmen. After a hearing at which all pertinent facts will be heard a decision will be made and if the operator or owner is found guilty of the complaint or violation then the Board of Selectmen may revoke or suspend the license of the offending owner, or revoke or suspend the operator's right to operate Livery Vehicles or Taxicabs for hire.

Any person, firm or corporation violating any of the provisions of these rules and regulations may be ordered to pay a fine not exceeding \$100 for each offense.

§ 189-6. Livery and taxicab license regulations.

The Board is authorized in accordance with these rules and regulations to grant Livery and Taxicab Licenses to suitable persons, firms and corporations who are owners or lessees of such vehicles and whose principle place of business is in the Town of Northbridge.

The Board is authorized in accordance with these rules and regulations to grant Livery and Taxi Operator's licenses to suitable persons.

No license shall be sold, transferred or assigned without the prior written approval of the Board. The Board shall determine that the proposed licensee is a suitable person, firm or corporation.

Licensed owners shall maintain a central place of business in the Town of Northbridge. The Board is authorized to waive this requirement when in the opinion of the Board the public interest would be served.

Licensed owners shall provide the names, addresses and license information of all operators of livery vehicles or taxicabs who will be employed by their firm or corporation.

No Taxicab shall operate without permanent decals or marking on each side of the vehicle identifying the firm, corporation or business. Removable magnetic signs are expressly forbidden.

Operators shall not knowingly operate a taxicab or livery vehicle that is unsafe for passenger service. Owners shall not allow the operation of taxicabs or livery vehicles that are unsafe for passenger service.

Change of address of the business and or the owner of Livery Vehicles or Taxicabs shall be reported to the Board within five days.

§ 189-7. Livery vehicle and taxicab owners and operators.

No person shall operate or own a Livery Vehicle or Taxicab without being deemed a suitable person by the Chief of Police.

The Chief of Police may consider owners and operators as unsuitable persons for the following reasons:

Person under 18 years of age.

Conviction of a felony.

Violations of parole or probation.

Conviction of a sex offense or is currently a registered sex offender.

Conviction of alcohol related offenses including operating under the influence of alcohol.

Conviction of narcotics offenses.

Unlawful possession of any controlled substances delineated in MGL Chapter 94C.

Conviction of firearms offenses.

Any justifiable cause in addition to those specifically enumerated.

The length of time since the offense, the severity of the offense and any rehabilitation or treatment shall be considered prior to denial.

§ 189-8. Inspection of livery vehicles and taxicabs.

Every owner of a vehicle for hire shall have his vehicle(s) inspected on an annual basis during the month of January or prior to filing an application for a Livery or Taxicab license by the Chief of Police or his designee. The inspection shall include but not limited to the following:

Verification that the vehicle is properly registered and has a current safety inspection sticker.

Inspection of the interior and exterior of the vehicle for cleanliness.

Verification that the vehicle has a properly operating odometer.

Interior surfaces must be intact. Seats must be free of tears. Floors must be free of holes and covered completely with carpet or rubber matting.

Seats must be functioning properly and all seat belts must be operable and available for use by passengers.

Windows and doors must be operable from the passenger compartment at all times.

All tires must meet Registry of Motor Vehicles standards for tread depth.

All safety equipment of any type including lights, signals, glass, windshield wipers and bumpers must be intact and operational.

All safety lights and other required lights must be intact and operational.

§ 189-9. Severability.

These sections, paragraphs, sentences, clauses, phrases included in these rules and regulation are severable, and if any phrase, clause, sentence, paragraph or section of the rules and regulations shall be declared unconstitutional or otherwise invalid by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these rules and regulations.

LIVERIES AND TAXIES

189 Attachment 1

Town of Northbridge

Livery/Taxi Application
(PLEASE PRINT)

Name: _____

Address: _____

Town: _____

Date of Birth _____ Place of Birth _____

License # _____ Expiration Date: _____

SSN: (optional) _____ Telephone _____

Have you ever been arrested? _____ If "yes", please explain:

Has your license to operate a motor vehicle ever been suspended or revoked? _____ If "yes", please explain: _____

Is this a new application or a renewal? _____

Are you currently taking any medication? _____ If "yes" please explain:

Taxi Cab or Livery Employer: _____

Height: _____ Weight: _____ Eyes: _____ Hair: _____

Signature of Applicant

Date

LIVERIES AND TAXIS

189 Attachment 2

Town of Northbridge

Livery/Taxi License

License No _____

Livery/Taxi license is hereby granted to _____
(Name & Address)

To set up, employ or use a _____

For the conveyance of passengers for hire until December 31st, 20 _____.

This license is granted subject to the provisions, restrictions, rules and regulations of the Code of the Town of Northbridge.

This license may be revoked by the Board of Selectmen at any time.

Year:

Make:

Plate No:

Approved _____
(Date)

Signed _____
Chairman Board of Selectmen

LIVERIES AND TAXIS

189 Attachment 3

Town of Northbridge

Livery/Taxi Operator's License

License No. _____

Driver's license is hereby granted to _____
(Name & Address)

To drive a LIVERY/TAXI until December 31st, 20____.

MA Operator's License No. _____ **Expiration Date** _____

This license is granted subject to the provisions, restrictions, rules and regulations of the Code of the Town of Northbridge

This license may be revoked by the Board of Selectmen at any time.

Approved _____ Signed _____
(Date) Chairman Board of Selectmen

Chapter 194

POLICIES AND PROCEDURES

ARTICLE I Officers

- § 194-1. Election.
- § 194-2. Responsibilities.

ARTICLE II Meetings

- § 194-3. Place.
- § 194-4. Regular meetings.
- § 194-5. Citizens' forum.
- § 194-6. Special meetings.
- § 194-7. Executive session.
- § 194-8. Agenda.

ARTICLE III Appointments

- § 194-9. Board of Selectmen.
- § 194-10. Other boards.
- § 194-11. Town Manager.

ARTICLE IV Licenses and Permits

- § 194-12. Applications.

- § 194-13. Investigation.
- § 194-14. Attendance at review of request.
- § 194-15. Issuance.
- § 194-16. Fee schedule.
- § 194-17. Outdoor events.
- § 194-18. One-day all alcoholic, beer and wine license.

ARTICLE V Minutes

- § 194-19. Responsibilities of Town Manager.
- § 194-20. Executive session.

ARTICLE VI Town Hall

- § 194-21. Hours.
- § 194-22. Board and committee meetings.
- § 194-23. Activities.

ARTICLE VII Amendments to Policies and Procedures

- § 194-24. Review of revisions.
- § 194-25. Suspensions.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 2-24-1992; revised 1994. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health — See Ch. 4, § 4-311.
Board of Selectmen — See Ch. 2, § 2-200.
Committees — See Ch. 4, § 4-300.
Conservation Commission — See Ch. 4, § 4-307.
Council on Aging — See Ch. 4, § 4-301.

Industrial Development Finance Authority — See Ch. 4, § 4-313.
Elected town officers and town elections — See Ch. 2.
Historical Commission — See Ch. 4, § 4-312.
Town Meetings — See Ch. 3.

ARTICLE I
Officers

§ 194-1. Election.

- A. At the first regular meeting of the Board following the annual town election, the Board shall elect the following officers, in this order: Chairman, Vice Chairman and Clerk.
- B. Term of office shall run until the first regular meeting of the Board following the next annual town election, voluntary resignation of office or resignation from the Board, whichever shall occur first.
- C. Three votes shall be required to elect.
- D. For each office, if no one is elected on the first vote, a second vote shall be taken on which shall be eligible only those who won the first two places on the first vote. If a tie arises from one or more members' absence or abstention from voting, successive votes may be taken, or the election may be deferred to a later meeting, in which case the senior member, or one of the senior members chosen by lot, shall act as Chairman Pro Tem, and he shall appoint a Clerk Pro Tem.

§ 194-2. Responsibilities.

- A. The Chairman shall preside at all meetings, decide questions of order, call special meetings and sign official documents that require the signature of his office. The Chairman should allow equal time amongst Board members for all points of view, giving each member a reasonable chance to voice his or her opinion. The Chairman shall have the same rights as other members to offer resolutions, to make or second motions, to discuss the questions and to vote thereon.
- B. The Vice Chairman shall act for the Chairman whenever the latter is absent from meetings or other necessary duties.
- C. The Clerk shall:
 - (1) Keep or cause to be kept a full and accurate record of the proceedings of the Board.
 - (2) Post or cause to be posted notices and agendas of meetings in compliance with the Open Meeting Law.
 - (3) Maintain or cause to be maintained the Manual of Policies and Procedures and other administrative regulations affecting the Board.
 - (4) Sign all documents calling for his/her approval.
 - (5) In the absence of the Chairman and Vice Chairman, call a Board meeting to order and serve as Chairman Pro Tem.

ARTICLE II
Meetings

§ 194-3. Place.

The designated place for regular and special meetings of the Board of Selectmen shall be Memorial Town Hall, Selectmen's Room, Whitinsville, Massachusetts, unless otherwise voted by the Board.

§ 194-4. Regular meetings.

The Board of Selectmen shall meet twice a month on Monday at 7:00 p.m. prevailing time unless another day and hour is fixed by vote of the Board. Meetings shall adjourn no later than 11:30 p.m. Unfinished business will be postponed until a time certain during that week as may be voted by the Selectmen. When Monday is a legal holiday, the meeting will be held either the following Tuesday evening or the Monday evening of the next week as determined by the Board.

§ 194-5. Citizens' forum.

Each meeting the Board will provide a citizens' forum in which citizens of the town will have an opportunity to bring to the attention of the Board any issues or questions they deem important. The Board may, at its option, defer any action or comment on a citizens' forum item to a future meeting or refer to the Town Manager for resolution. Whenever possible, all items for citizens' forum may be presented to the Town Manager not later than 4:00 p.m. the day of the Selectmen's meetings.

§ 194-6. Special meetings.

Special meetings of the Board of Selectmen may be called by written request of three members of the Board or by the Chairman of the Board. The Town Manager shall prepare a notice of the special meeting stating the time and the place of the meeting and the matters to be considered. This notice shall be served personally upon each member of the Board or left at their usual place of residence at least 48 hours in advance of the meeting time. It shall be the duty of the Town Manager, immediately upon receipt of a request for a special meeting, to make every diligent effort to notify each member of the Board in person, either by telephone or otherwise, of such special meeting. The Town Manager shall also post the notice of the special meeting in a conspicuous place in the Town Hall, in conformance with the Open Meeting Law.

§ 194-7. Executive session.

An executive session may be convened at the request of a majority vote of the Board as part of a regular or special Board meeting. Attendance at executive sessions shall be limited to the Board of Selectmen, the Town Manager and the Board Secretary; provided, however, that the Board and/or Town Manager may invite such persons as may be required for advice and/or information. Executive session may be held only for one of the reasons that are set forth under

the provisions of MGL c. 39, §§ 23A and 23B, as amended, and said session shall only be held after the meeting has been called in public session and the presiding officer declares under which category the executive session will be held.

§ 194-8. Agenda.

A. Order of business. The business of all regular meetings of the Board of Selectmen shall be transacted in the following order: **[Amended 2006; 9-13-2010]**

Pledge of Allegiance

- (1) Approval of minutes.
- (2) Public hearing(s).
- (3) Appointments.
- (4) Citizens' comments/input.
- (5) Decisions.
- (6) Discussions.
- (7) Town Manager's report.
- (8) Selectmen's concerns.
- (9) Items for future agenda.
- (10) Correspondence.
- (11) Executive session.

B. Procedures.

- (1) The Town Manager shall prepare the agenda for meetings with the input of the Chairman and:
 - (a) Schedule an appropriate and realistic time period for each appointment, interview, conference or other scheduled items of business.
 - (b) Confirm all appointments, including time allotted.
 - (c) Distribute copies of the agenda and backup material to the Selectmen on the fifth working day of the week preceding the meeting date with the draft copy of the minutes of the previous meeting.
 - (d) Post copies of the agenda Friday on the Town Hall bulletin board, have copies of the agenda available to the press representatives and have copies available to the public at all meetings.

- (2) In order to expedite the business of the Board of Selectmen at their regular meetings and in order that all subject matter scheduled for discussion by the Selectmen may be given proper attention and due consideration, the following procedure has been adopted for submission of items to appear on the regular meeting agenda of the Board of Selectmen:
 - (a) Except in emergencies, any item requested to appear on the agenda must be in the office of the Town Manager the first working day of the week at 5:00 p.m. preceding a regular meeting.
 - (b) All backup data, pertinent information or an outline for discussion must accompany all subject matters or items to appear on the agenda.
 - (c) Written reports/outline of presentation shall, whenever possible, be presented to the Board as part of the agenda packet.
 - (d) For items requiring decisions by the Board, the Town Manager shall provide a written recommendation.

ARTICLE III Appointments

§ 194-9. Board of Selectmen.

- A. The expiration date for appointments is June 1 or until their successor is appointed and qualified, with the exception of the following:
 - (1) Historic Districts Commission, which, under MGL c. 40C, expires January 1.
 - (2) Election officers are appointed annually between July 15 and August 15, in accordance with MGL c. 54, § 12.
- B. The Town Manager shall:
 - (1) Present, at the first regular meeting following town election and on a regular basis, a list of appointment vacancies to be filled by the Board.
 - (2) Notify incumbents and request their statement of availability regarding reappointment. Should they be interested in reappointment, the Town Manager shall request from the Clerk of the Board where the vacancy will occur the incumbent's attendance record during his or her term of office. This information will then be shared with the Board of Selectmen.
 - (3) Cause to advertised on cable television and the local newspaper the vacancy(ies).
 - (4) Research talent bank for list of possibilities.
 - (5) Schedule for interviews before the Board of Selectmen all individuals who have expressed interest in filling a vacancy. Where an incumbent is seeking reappointment to a seat that is uncontested, the interview requirement before the Board shall be waived. (Note: Should there be a large number of applicants, the

Board may first screen the applicants in order to reduce the number of interviews to a smaller number.)

- C. In the event that there is more than one person interested in serving on an appointed position, the Chairman shall receive nominations from the Board members. All nominations must be seconded. Voting on the nominees shall take place in the order of their nomination immediately succeeding the nominations. Voting shall continue until one of the nominees has attained a majority of the votes of the members present and eligible to vote. If a tie arises or should none of the nominees receive a majority vote, successive votes may be taken, or the election may be deferred to a later meeting. Should there be more than two nominees, only the nominees with the two highest vote counts shall proceed to the second round of votes. Appointments shall be completed as soon as possible.

§ 194-10. Other boards. ¹

- A. After notification by the remaining members that a vacancy occurs, the Chairman shall schedule a joint meeting between the Board of Selectmen and the board where the vacancy occurred.
- B. At that joint meeting, the Chairman of the Board of Selectmen shall act as Chairman Pro Tem of the combined boards and shall receive nominations from the joint committee members. All nominations must be seconded.
- C. Should any of the nominees be present at the joint meeting, the members of the combined boards shall be provided the opportunity to hear presentations by the nominees and to ask questions concerning the nominees' qualifications and interest in filling the vacancy.
- D. In the event that there is more than one person interested in filling the vacancy, voting on the nominees shall take place in the order of their nomination. Voting shall continue until one of the nominees has attained a majority of the votes of the officers entitled to vote pursuant to MGL c. 41, § 11. (Please note that, under MGL c. 41, § 11, vacancies in town offices shall be filled by roll call vote.) If a tie arises or should none of the nominees receive a majority vote, successive votes may be taken, or the election may be deferred to a later meeting. If there are more than two candidates, only the candidates with the two highest vote counts shall proceed to the second round of votes. Should there only be one nominee, the combined boards shall still take a roll call vote pursuant to MGL c. 41, § 11.

§ 194-11. Town Manager.

The Town Manager shall file with the Board of Selectmen the names of all his or her appointees. Such filing shall consist of a written notice of the appointment placed in the respective internal mailboxes of the Selectmen and a good faith effort to telephone or otherwise notify the individual Board members of the appointment. Such appointments shall

1. NOTE: See Section 3-1(g)(1) of the Town Charter and MGL c. 41, § 11.

become effective on the 15th day following the day in which the appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period, by a majority of all its members, vote to reject such appointment or has sooner voted to affirm it.

ARTICLE IV
Licenses and Permits

§ 194-12. Applications.

Notwithstanding any provisions of law or these policies to the contrary, application for licenses shall be made to the Board of Selectmen, on an approved form, at least two weeks prior to the need for such a license.

§ 194-13. Investigation.

Unless otherwise provided in this policy, the Town Manager will be responsible for investigating said applications and making a recommendation to the Board of Selectmen relative to their disposition.

§ 194-14. Attendance at review of request.

In the interest of all concerned, it is recommended that persons requesting licenses or permits be in attendance at the Board meeting when their request is reviewed. All petitioners shall be notified by mail of the time and date of the meeting.

§ 194-15. Issuance.

All licenses granted by the Board shall be issued by the Town Manager upon the payment of the prescribed fee. Only those licenses which by law must be reviewed and approved by a state agency shall be exempt from the provisions of this policy.

§ 194-16. Fee schedule. [Amended 2006]

The fees for licenses are enumerated below:

License	Fee
Class I (new and used cars)	\$50
Class II (secondhand cars)	\$50
Class III (junk cars)	\$50
Common victualler	\$20
Lodging house	\$20
Automatic amusement device	\$100
Billiards, pool, sippio and bowling, jukebox	\$30

License	Fee
Club	\$1,050
Common victualler/restaurant	
All alcoholic	\$1,150
Wines and malt	\$1,000
Innholder/hotel (all alcoholic)	\$1,200
Druggist	\$300
Retail package goods	
All alcoholic	\$1,150
Wines and malt	\$1,000
One-day	
All alcoholic	\$25
Wines and malt	\$20
Hawkers and peddlers	\$50
Auctioneer	\$15
Special auctioneer, per day	\$10
Junk dealer	\$100
Miscellaneous permits	\$12
Taxi	
With stand	\$50
Without stand	\$30

§ 194-17. Outdoor events.

In accordance with MGL c. 140, it is required that any outdoor theatrical exhibition, public show, public amusement or exhibition to be held in the Town of Northbridge obtain a license from the Board of Selectmen for such show or amusement and that application for a license must be filed with the Board of Selectmen two weeks before the event and must indicate the name of the owner and the name and address of the firm involved, the sponsor, the nature and extent of the show or amusement, the days and hours, amount of admission charge (if any) and the exact location within the town where the show or amusement is to be held.

§ 194-18. One-day all alcoholic, beer and wine license.

- A. Only charitable, nonprofit fraternal, veteran and church organizations will be eligible to apply for an all alcoholic one-day license. All others may only apply for wines and malt one-day licenses.
- B. Only those beverages that are permitted by the license shall be served.
- C. No music or other entertainment on Sundays without proper license from the Board is permitted.
- D. Proper parking arrangements must be made.

- E. There shall be a curfew of 8:00 p.m. if outside function.
- F. Upon the recommendation of the Police Chief, the Board of Selectmen may require, in the interest of public safety, the attendance of a police officer(s) at a licensed function, to be paid for by the licensee.
- G. All other licenses that may be necessary must be approved by the regulatory board responsible (i.e. Board of Health, etc.).
- H. Requests for license must be filed at least two weeks in advance of the event.
- I. The applicant must sign a statement whereby the applicant agrees to hold harmless, indemnify and defend the Town of Northbridge, its officials, agents and employees from and against all claims, losses, damages, liabilities and costs, including but not limited to cost of defense arising out of, or in anyway connected with, the issuance and use of this license.

ARTICLE V Minutes

§ 194-19. Responsibilities of Town Manager.

The Town Manager is responsible for causing the meeting minutes to be kept, recorded and distributed to members of the Board of Selectmen. He shall:

- A. Provide a draft copy of the previous meeting's minutes to the Selectmen for consideration in their agenda notebooks prior the next meeting of the Board.
- B. Record any and all corrections that are made to the draft copy by vote of the Board.
- C. Cause to be typed a final copy of the approved meeting minutes, which shall be filed in a page-numbered book upon the approval and signature of the Clerk. Once this is accomplished, a copy of these approved minutes shall be forwarded to the Selectmen for their records, and they shall be considered public record.

§ 194-20. Executive session.

Minutes shall be kept in the same manner; however, they shall not be made public so long as publication may defeat the lawful purpose of the executive session. This determination will be made by vote of the Board upon request.

ARTICLE VI Town Hall

§ 194-21. Hours.

The normal office hours of the Town Hall shall be:

Day	Hours
Mondays	8:30 a.m. to 7:00 p.m.
Tuesdays, Wednesdays and Thursdays	8:30 a.m. to 4:30 p.m.
Fridays	8:30 a.m. to 1:00 p.m.

§ 194-22. Board and committee meetings.

Meetings of the various town boards and committees are welcome in the Town Hall. The authorization for use of the meeting rooms shall be granted through the office of the Town Manager. All regularly scheduled meetings of the various town officers shall be posted on the meeting schedule board located in the Town Hall.

§ 194-23. Activities.

Other town government activities or the activities of other town-sponsored or nonprofit organizations may utilize the Town Hall with the permission of the Town Manager. Requests must be received at least one week in advance of the date requested and are subject to change on 24 hours' notice if a required town function conflicts or upon orders of the Board of Selectmen.

**ARTICLE VII
Amendments to Policies and Procedures**

§ 194-24. Review of revisions.

It shall be the duty and responsibility of the Town Manager to place on the agenda, within three months following the reorganization of the Board, an item whose subject shall be the possible revision of the Selectmen's Policies and Procedures Book. At that time, the Town Manager shall make recommendations concerning revisions that he or she deems appropriate and necessary.

§ 194-25. Suspensions.

The Chairman shall allow motions to suspend any of the policies and procedures contained herein. However, such motion to suspend temporarily any of these policies and procedures shall require a majority vote of those members present and voting.

Chapter 196

SEWERS

ARTICLE I Extension and Connection Policy

§ 196-1. Introduction.

§ 196-2. References.

§ 196-3. Sewer extension and connection policy.

§ 196-4. Procedures.

§ 196-5. Special conditions.

§ 196-6. Processing fee.

§ 196-7. Effective date.

ARTICLE II Schedule of Rates for Sewer Services

§ 196-8. Quarterly rates.

§ 196-9. Connection fees for new services.

§ 196-10. Definitions.

§ 196-11. Fee to be based on connections.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Wells — See Ch. 9, § 9-800.

Sewers — See Ch. 10, § 10-100.

Sewers and sewage — See Ch. 220.

ARTICLE I Extension and Connection Policy [Adopted 9-8-2003]

§ 196-1. Introduction.

On May 5, 2001, the Northbridge Board of Selectmen signed an Administrative Consent Order (ACO) issued by the Massachusetts Department of Environmental Protection (DEP). The DEP executed the ACO on May 15, 2001, which is the effective date of the order. The ACO requires the Town to address certain deficiencies in its sanitary sewer system. Included among these deficiencies are sources of inflow and infiltration (I&I) that allow large volumes of ground water to enter into the sanitary sewer system. The ACO, in conjunction with existing DEP regulations, outlines procedures to be followed for obtaining a permit for extensions to the sewer collection system of the Town of Northbridge. This policy is intended to clarify and summarize the requirements to obtain a sewer extension permit.

§ 196-2. References.

The following documents, containing guidance and direction relative to the extension of sanitary sewers in the Town of Northbridge, are incorporated into this policy by reference.

1. 314 CMR 7.00 SEWER SYSTEM EXTENSION AND CONNECTION PERMIT PROGRAM
2. MGL c. 21, § 43. Permit proceedings and determinations; regulations; necessity and requirements of permit; application; forms; fees.
3. Administrative Consent Order (ACO) and Notice of Noncompliance, File Number ACO-CE-01-1010 dated 5/15/01 and issued by the Commonwealth of Massachusetts, Executive Office of Environmental Affairs, Department of Environmental Protection
4. Town of Northbridge, Massachusetts, Inflow and Infiltration Reduction Program Sewer Connection Policy (I&I Policy), Current Edition

§ 196-3. Sewer extension and connection policy.

No person shall construct, effect, maintain, modify or use any sewer system extension or connection without a currently valid permit from the Director of the Massachusetts Department of Environmental Protection pursuant to MGL c. 21, § 43 and 314 CMR 7.00, unless exempted in 314 CMR 7.05. Exemptions under this provision must be fully documented by the project proponent in writing to the Town. Any person who proposes to construct, effect, maintain, modify or use a sewer system extension or connection must obtain a permit by filing the application form in accordance with 314 CMR 7.00 and 2.00. Permit applications shall be prepared by the person proposing the extension or connection or their representative.

§ 196-4. Procedures.

The application, in three copies, shall be submitted for review, complete with all supporting information to the Northbridge Department of Public Works (DPW), prior to requesting the approval of the Town. The DPW shall annotate on the application such special conditions as may be deemed necessary to insure the application is in compliance with DEP regulations and the requirements of the above referenced documents. The application then shall be submitted to the Northbridge Board of Selectmen for review and approval. The Board of Selectmen may require the project proponent to make such presentations and/or provide such additional information as it may determine necessary to properly evaluate the application. Upon majority vote of the Board of Selectmen to approve the application, the Chairperson shall sign the application recommending approval. The project proponent may then transmit the signed application to the DEP for review and final approval. The normal processing time for review and approval of applications will be two to four weeks from receipt of the application. In the event that additional information is required to fully evaluate the application, the processing time will be extended accordingly until all issues have been resolved. The project proponent shall provide the Northbridge DPW with copies of all correspondence to and from the DEP on all matters relative to the application after submission.

§ 196-5. Special conditions.

The following are some, but not necessarily all, of the special conditions that may be applied to permit applications:

1. No connection or extension will be permitted if it will introduce new flow into an existing sewer system component that has been listed in the ACO as a Deficient System Component. As identified Deficient System Components are upgraded and they are removed by the DEP from the list of Deficient System Components the restriction on new connections will be removed.
2. For every one gallon of new flow introduced into the sewer system there must be a reduction of four gallons of excess inflow and infiltration in the system. The project proponent must fully comply with the terms of the above reference I&I Policy.
3. No sewer connection permit shall be issued for any individual connection if there are not sufficient I&I reduction credits available in the Town of Northbridge "Sewer Bank" to meet the 4:1 I&I reduction requirement of the ACO. The Board of Selectmen will impose a moratorium on all new connections that are governed by the ACO if the issuance of such a connection permit would result in a violation of the ACO or any other applicable regulation. Authority to initiate such a moratorium is delegated to the Town Manager subject to ratification by vote of the board.

§ 196-6. Processing fee.

Applications for sewer extensions shall be accompanied by a processing fee of not less than \$25 nor more than \$250. The fee shall be based upon the total estimated daily flow in gallons per day (gpd) times \$0.10. Fee shall be by check made payable to "Northbridge Sewer Enterprise Fund". All fees collected shall be deposited into the I&I contribution account.

§ 196-7. Effective date.

This policy shall become effective on the date adopted by the Northbridge Board of Selectmen.

ARTICLE II
Schedule of Rates for Sewer Services
[Adopted 6-18-2007; effective 7-1-2007]

§ 196-8. Quarterly rates.

- A. The rates for sewer services that are billed quarterly will be:
 - (1) For usage of 800 cubic feet or less per quarter: \$50.
 - (2) For the first 900 to 2,000 cubic feet used or fraction thereof: \$73.70.
 - (3) For each additional 100 cubic feet thereafter: \$4.62.
 - (4) For residential customers only, the rate for each additional 100 cubic feet used in excess of 4,000 cubic feet shall be reduced by 25% to: \$3.46.
- B. Each sewer service shall be billed in accordance with the above rate schedule. Quarterly usage shall be determined using 100% of the quarterly metered water consumption figure to arrive at sewer usage.

§ 196-9. Connection fees for new services.

A connection fee for a new service connection to Residential, Commercial or Industrial premises will be charged by the Northbridge Sewer System at the time application is made for service, as follows:

Type of Connection	Fee
Existing single-family residence	\$924.00
Existing multifamily residence (first unit)	924.00
Each additional existing unit	528.00
New single-family residence	7,920.00
New multifamily residence (first unit)	7,920.00
Each additional unit	6,600.00
Commercial or Industrial (minimum)	9,240.00
Commercial or Industrial (whichever is greater)	462.00 per fixture

§ 196-10. Definitions.

- A. The term “fixture” as used above is defined as: water closets, urinals, lavatories, service sinks, laundry sinks, washing machines, dishwashers, garbage disposal units, etc.
- B. The term “existing residence” as used above is defined as one that was occupied prior to July 1, 1997.

§ 196-11. Fee to be based on connections.

Whenever a commercial or industrial premises is served by more than one connection to the Town’s mains, the connection fee schedule above shall apply to each connection. The total number of fixtures will not be added together to determine the connection fee.

Chapter 197

STREETS AND SIDEWALKS

ARTICLE I Road Opening Permit Rules and Regulations

- § 197-1. Permitting authority and implementation.
- § 197-2. Requirement for contractor's license.
- § 197-3. Road opening permit application and fees.
- § 197-4. General conditions.
- § 197-5. Specifications.
 - § 197-5.1. Excavation and trench safety.
 - § 197-5.2. Unsafe condition - immediate shutdown.
 - § 197-5.3. Failure to implement or effectively use adequate protections for the general public.

ARTICLE II Use of Public Sidewalks and Ways

- § 197-6. Permitting authority and implementation.
- § 197-7. Requirement for obtaining permit.
- § 197-8. Regulated activities.
- § 197-9. Seasonal restrictions.
- § 197-10. Severability.

ARTICLE III Excavations and Trench Safety

- § 197-11. Permitting authority and implementation.
- § 197-12. Requirement for obtaining excavation permits.
- § 197-13. Permit application.
- § 197-14. Trench excavation — protections for the general public.
- § 197-15. Unsafe condition — immediate shutdown.
- § 197-16. Failure to implement or effectively use adequate protections for the general public.

ARTICLE IV Streetlights

- § 197-17. Order for turning on lights.

Appendix 1

Application for Utility
Contractors License

Road Opening and Trench
Permit Application

Application for Permit to
Place Object in the Public
Way

Summary of State and Federal
Regulations

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Use of streets, sidewalks and other public places — See
Ch. 6.

Earth removal — See Ch. 7, § 7-200.
Public works — See Ch. 10.

ARTICLE I

Road Opening Permit Rules and Regulations
[Adopted 4-12-2004; amended in its entirety 1-12-2009]

§ 197-1. Permitting authority and implementation.

In order to protect the integrity of all public rights-of-way, assure protection of all structures and utilities within and adjacent to these rights-of-way, and provide optimum safety and convenience for the public; permission in accordance with the rules and regulations herein described must be obtained from the Northbridge Department of Public Works hereinafter referred to as the “Department”, before excavating or in any way disturbing public rights-of-way, or extending/connecting to a Town owned utility. These rules and regulations apply when work is to be performed within the layout of a public way.

These rules and regulations require compliance with all provisions of 520 CMR 14.00 EXCAVATION AND TRENCH SAFETY to protect the general public from the hazards associated with trench excavation. A full copy of this regulation is included herein and excavators are required to comply with all provisions.

A. Authority.:

The authority for this requirement is found in the Code of the Town of Northbridge as follows

§ 6-101. Permit required to obstruct streets.

No person shall place or cause to be placed or permit in any of the streets any tree, post, fence, curbstone, dirt, rubbish, wood, timber, snow, ice or material of any kind tending to obstruct or create a hazardous condition on a street or sidewalk without first obtaining a written permit from the Director of Public Works.

§ 6-102. Permit required to excavate streets.

No person shall break or dig up the ground in any street or sidewalk or set up any post, fence, tree or curbstone or other obstruction in any street or sidewalk without first obtaining a written permit from the Director of Public Works.

§ 6-110. Authority to require indemnification.

The board or officer issuing permits for the use of streets or sidewalks may, in its discretion, demand a suitable cash deposit, surety bond or insurance indemnity policy, to save the town harmless from all liability of any nature whatsoever caused directly, or indirectly by such use of the streets or sidewalks.

§ 5-107. Fees and charges by municipal agencies.

- A. Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL C. 40, § 22F.*

Additional authority for these rules and regulations is found in:

*Massachusetts General Law Chapter 82A §§1-5 Excavation and Trench Safety 520
CMR 14.00 Excavation and Trench Safety (a copy of which is attached herewith)
Compliance with the requirements of this state regulation is implicit in the issuance of
a permit under this regulations.*

- B. **Implementation.** All provisions of these amended rules and regulations shall be in effect beginning March 1, 2009.
- C. **Permitting Authority.** The Department of Public Works is hereby designated the Permitting Authority for the Town of Northbridge under this regulation. The Permitting Authority is located at 11 Fletcher Street with normal office hours of Monday thru Friday, 7:00 AM to 3:00 PM.

§ 197-2. Requirement for contractor's license.

Permits to perform work within public rights-of-way can be obtained only by licensed contractors. Licenses will be issued to those contractors who, in the opinion of the Department, are deemed qualified through experience and have demonstrated by past performance the ability to undertake the scope of work covered by the license.

- A. **Categories of Work.** Three (3) categories of work are covered by the Contractor's Licenses, as follows:
1. *General Construction* – driveway, sidewalk, curbing construction, landscaping, etc
 2. *Service Connections* – connection of a property or structure to a public or private utility (water, sanitary sewer, storm drainage) main or lateral.
 3. *Utility Main Construction* – extension of a public or private utility system within the right-of-way (ROW).
- B. **License Requirements.** Prior to obtaining a contractor's license, the following information must be provided:
1. A listing of available equipment, previous projects of similar size and scope to the work being contemplated, completed within the last three (3) years with references that may be contacted about these projects.
 2. A street opening bond in the amount of ten thousand dollars (\$10,000) shall be obtained from a surety company licensed to do business in the Commonwealth of Massachusetts and approved by the Town. The bond shall be valid and in full effect for the term of the license and shall bind the contractor to the faithful performance and completion of the work in accordance with all applicable specifications of the Department.
 3. A certificate of insurance showing that the contractor has the following minimum insurance coverages. The Town of Northbridge shall be named as "Additional Insured":

Commercial General Liability

Per occurrence/aggregate - \$1,000,000/\$2,000/000

Automobile Liability - Bodily Injury and Property Damage

Minimum of \$1,000,000 on a combined single limit for bodily injury and property damage

Employer's Liability Insurance - Worker's Compensation

Limits as required under the laws of the Commonwealth of Massachusetts

Umbrella or Excess Liability Insurance

Not less than \$2,000,000 over and above primary limits

C. Term of License and Fees.

Licenses shall be issued for a term of one calendar year or portion of a calendar, if issued in mid-year, and shall be renewable during the month of December of each year for the following calendar year. Licenses issued during the calendar during which these rules and regulations are adopted shall expire at the end of December of the following calendar year. License renewals must be accompanied by bond and insurance certificates described above which shall remain in force for the duration of the renewal period. At its discretion, the Department may waive the requirement to submit references for license renewals.

The annual license fee shall be one hundred and twenty-five dollars (\$125.00) paid by check made payable to the Town of Northbridge.

D. Suspension of License.

The Department reserves the right to suspend or revoke a contractor's license. One (1) documented incident of poor quality work or unwillingness to comply with these regulations shall result in a written warning and six months of probation during which time the contractor's performance shall be monitored. Once on probation, one (1) documented incident of poor performance shall result in suspension of license for one (1) year followed by one (1) additional year on probation to be served after reinstatement of the license.

Additionally, the Department may suspend, revoke or refuse to issue a license if, in the opinion of the Department, the contractor is not adequately skilled or competent to undertake the work contemplated under the license.

Contractors may appeal any suspension, revocation or refusal to issue a license, in writing, to the Board of Selectmen within thirty (30) calendar days of written notification by the Department. The Board will make a determination based upon information submitted by the contractor and the Department and may request that the contractor appear before the Board to provide additional information regarding the appeal.

Probationary periods may not be appealed.

§ 197-3. Road opening permit application and fees.

Permits and their associated fees are herein established for General Construction, Service Connections and Utility Main Construction. These requirements apply to any work being performed within the right-of-way (ROW) of a public street or roadway. In almost all instances the ROW for a public street is significantly wider than the width of the pavement. The ROW on many older streets is at least thirty-three (33) feet. Forty (40) to fifty (50) feet is most common in newer subdivision with sixty-six (66) foot rights-of-way on some streets. It is the contractor's responsibility to ascertain the width of the ROW in the proposed work location. Information of ROW widths in most locations can be obtained from the Northbridge Department of Public Works.

A. General Construction. These projects are defined as follows:

1. Any excavation, of any depth, within the ROW of the road whether located in the pavement area or not. Installations of post mounted mailboxes within the ROW where the depth of excavation is less than two (2) feet are exempt from these permit requirements. Those installing mailboxes within the ROW must obtain a Dig Safe clearance before digging. Additionally, mailboxes installed within the ROW are subject to damage from snowplows and other roadway maintenance activities. The Town does not assume liability for damages to mailboxes that are installed within the ROW.
2. Placement of any equipment, fence, structure, container or other item, whether temporary or permanent, within the ROW of a public street, including obstruction of a public sidewalk, not requiring excavation. Examples include placement of equipment, materials and containers at construction sites.
3. Curb cuts, driveway paving and widening and walkway construction when all or a portion of the work is within the ROW.

B. Service Connections. These projects include excavation and installation, repair or replacement of any utility service line from any structure or property to any utility located within the ROW, whether or not the utility is located within the pavement. When connecting to a town utility, the contractor must present an approved connection permit indicating that all applicable connection fees have been paid.**C. Utility Main Construction.**

These projects include the construction, repair, replacement or extension of any new utility main including water, sanitary sewer or storm drainage system located within the ROW, whether or not the utility is located within the pavement. Extension of the sanitary sewer system requires that the project proponent shall obtain a "Sewer Extension Permit" from the Massachusetts Department of Environmental Protection. No road opening permit will be issued for extension of a sanitary sewer system until a Sewer Extension Permit has been approved.

All extensions of or connections to the storm drainage system shall comply with the Massachusetts Department of Environmental Protection's stormwater management policies. Storm drains, culverts and related installation, including catch basins, manholes, and curbing shall be installed as necessary to provide adequate collection of surface water from all streets and impervious surfaces within the project area. Any project that increases the impervious area shall have a stormwater management system designed to mitigate any increase in the rate and volume of stormwater runoff. The system shall be designed so as to not increase the peak rate of runoff or volume of stormwater runoff in the 2, 10, 25 and 100-year storm events.

D. Fees.

The fee for obtaining a road opening permit shall be based upon the location of the work and the total area to be disturbed by the work as follows:

1. Work performed in the right-of-way with no excavation in paved areas, including roads, streets and sidewalks: Twenty-five (\$25.00) dollars.
2. Work performed in the right-of-way with removal of paved area, including roads, streets and sidewalks, of fifty square feet or less: Fifty (\$50.00) dollars.
3. Work performed in the right-of-way with removal of paved area, including roads, streets and sidewalks, greater than fifty square feet: One (\$1) dollar per square foot of disturbed pavement not to exceed Two-hundred (\$200.00) dollars.

Fee shall be paid at the time of application by check made payable to "The Town of Northbridge". When work is to be performed by any department of the Town of Northbridge or their agent or contractor, the permit fee shall be waived. Additionally, the permit fee shall be waived for any public utility company governed by the rules of the Massachusetts Department of Telecommunications and Energy when the work is intended to extend, repair, replace or maintain the system of the public utility company. However, all other provisions of these rules and regulations shall apply.

- E. Dig Safe Clearance.** Contractors applying for a road opening permit must first obtain a Dig Safe clearance for the proposed work area and must include the Dig Safe number on the permit application along with the date and time that the Dig Safe clearance will become effective. The number for contacting Dig Safe is 1-888-344-7233.
- F. Posting of Permit.** All Permits issued pursuant to this regulation shall be posted in plain view on the worksite. All permits shall be made available to the permitting authority, any investigator from the Division of Occupational Safety, any inspector of the Department of Public Safety, or any other lawfully authorized authority.

§ 197-4. General conditions.

- A. **Plan/Profile Requirements.** Before any permit is issued, the Department may require that a complete plan and profile be submitted with the application. Plan and profile shall show the following:
1. Location of the proposed construction.
 2. Exact location of all existing utilities within the proposed construction area that would be crossed or exposed during the construction.
 3. Elevations of existing underground facilities crossed, exposed or connected to by proposed installations.
 4. Elevations of proposed construction at all crossing points.
 5. Inverts of all proposed manholes or cleanouts as well as inverts of existing facilities connected to by the proposed construction.
 6. Plan shall be at a horizontal scale or 1 inch = 40 feet (1" = 40') or greater.
 7. Profile shall be at a vertical scale of 1 inch = 4 feet (1" = 4') or greater.
- B. **General Requirements and Restrictions.**
1. Permits will be issued only to contractors licensed by the Town of Northbridge.
 2. The contractor shall notify the Department a minimum of twenty-four (24) prior to the start of any road opening work to allow for inspection of the work site.
 3. No street opening permits shall be issued between November 15 and April 1, except in cases of emergency as determined by the Department.
 4. No permits shall be issued on newly constructed, paved or accepted roads for a period of five (5) years following the paving or acceptance. If a roadway is opened due to an emergency, at a minimum, the following will be required:
 - a. The pavement shall be saw cut a minimum of one (1) foot beyond the width of the trench required for the repairs.
 - b. The trench shall be backfilled using controlled Density Fill (CDF). The CDF must be batched at a concrete plant and delivered in transit mixers, must be flowable, require no vibrating, and the finished product must be excavatable without the use of power tools.
 - c. After the trench has been properly backfilled as required above, the contractor shall restore the paved area to as good repair as when opened as determined by the Department. Pavement restoration methods required by the Department may include grind and inlay, infrared treatment or a complete curb-to-curb pavement overlay of the disturbed area(s).
 5. If the proposed street opening for underground work affects more than fifty (50) feet of roadway measured longitudinally, the Department has the option of

- requiring grind and inlay, infrared treatment or a complete curb-to-curb pavement overlay of the disturbed area(s).
6. Except in emergencies, work shall be limited to the hours of 7:00 AM to 4:00 PM. On primary streets, work shall be limited to the hours of 9:00 AM to 3:00 PM unless approved by the Department. Primary streets include: Church St, Main St, Hill St, Sutton St, Linwood Av, Quaker St, School St and Providence Rd.
 7. Except in emergencies, no work shall be permitted on Saturdays, Sundays and legal holidays. In addition, no new work shall commence on Fridays except as approved by the Department
 8. No public shade trees, located within the ROW, shall be removed without the prior written permission of the Tree Warden. Cutting or removal of public shade trees is governed under the provisions of Massachusetts General Law Chapter 87.
 9. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored.
 10. No more than one hundred (100) feet measured longitudinally shall be opened in any street at any time, except as specifically approved by the Department.
 11. If a roadway patch begins to fail, the contractor must respond and repair the pavement on primary streets within four (4) hours of notification. On all other streets, the contractor must respond within twenty-four (24) hours of notification, unless a safety hazard exists. If a safety hazard exists, the contractor must respond within four (4) hours of notification. If the contractor fails to respond within the required time, the Department may respond to make temporary repairs. The total cost for labor, material and equipment incurred by the Department shall be billed to the contractor. Failure to make full payment within thirty (30) days of receipt of the bill will constitute grounds for suspension of the contractor's license.
 12. Should it be determined that an emergency requires immediate repairs to preclude a public safety hazard, the Department will make repairs and the contractor shall be billed for the total cost for labor, material and equipment incurred by the Department.
 13. Unless granted permission by the Department, all work must be completed within fourteen (14) calendar days of commencing the work. Once the work is completed, the pavement shall be temporarily patched and the permanent patch shall be installed the following construction season, allowing approximately one year for settlement. The contractor shall be responsible for maintenance of the temporary during the settlement period.
 14. All existing drainage facilities including brooks, streams, canals, rivers, culverts, catch basins and piping shall be adequately protected so as not to impede drainage or to cause siltation of downstream areas. Contractor shall comply will all requirements of Orders of Conditions issued by the Northbridge Conservation Commission and shall install all siltation controls prior to commencing work.

15. No work, other than of an emergency nature, shall be performed during snow and ice storms and during snow and ice control operations, or when weather conditions are determined by the Department to be inappropriate for the proper prosecution of the work.
16. Access to private driveways and fire hydrants must be maintained at all times during construction operations.
17. The contractor shall be responsible for obtaining all additional permits required for his equipment, work force, or particular operations (such as blasting) in the performance of the work.
18. In granting any permit, the Department may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent operations from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:
 - a. limitations on the time of year in which the work may be performed;
 - b. restrictions on the size and type of equipment to be used within the right-of-way;
 - c. routes upon which materials and equipment may be transported;
 - d. requirements for dust control, street cleaning, noise control and prevention, or other activities that may be considered a nuisance; and
 - e. regulations as to the use of streets during the progress of the work.

C. Maintenance of Traffic.

1. Two-way traffic must be maintained at all times. If work is not completed at the end of the work day, the travel lane must be reopened to traffic for overnight use either by placement of a temporary patch or by means of road plates of sufficient size to completely cover the street opening. Road plates shall be of sufficient strength to carry traffic.
2. All open excavations shall be adequately safeguarded by providing temporary barricades, caution signs, lights and other means to prevent accidents to persons, and damage to property. The contractor shall provide suitable and safest means for covering all open excavations and for accommodating travel when work is not in progress.
3. All excavated material shall be placed so that vehicular and pedestrian traffic may be maintained at all times. If the excavation becomes a hazard or if it excessively restricts traffic at any point, then special procedures shall be taken, such as limiting the excavation and prohibiting stockpiling of material in the street.
4. Uniformed Police Officers for traffic control shall be used when warranted by location and traffic conditions or at the discretion of the Chief of Police. Details

shall be arranged by contacting the Northbridge Police Department at 508-234-6211.

5. Safety and traffic control methods, types of signs, warning lights, and barriers provided by the contractor shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices. They shall be in-place before work begins.

D. Detours.

1. All detours must be approved by the Chief of Police and the Department. The contractor shall supply a Traffic Management Plan clearly showing the location of the work, the detour route, and the location, size and wording of all signage.
2. Safety and traffic control methods, types of signs, warning lights, and barriers provided by the contractor shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices.

E. Cleanup and Property Restoration.

1. The contractor shall frequently cleanup all refuse, debris, and other material generated by his operations. The site of the work and the adjacent areas shall at all times present a neat, orderly and workmanlike appearance. At the completion of work, the contractor shall perform a final cleanup to bring the work site back to its original condition or better.
2. The contractor shall repair and restore all vegetated or turfed areas disturbed during the work. Restoration shall include the application of loam and seed or sod in disturbed or damaged turfed areas. Any public shade tree that is removed shall be replaced with a suitable street tree as approved by the Tree Warden. Replacement trees shall have a minimum 2-1/2 inch caliper measured four (4) feet above the top of root ball. Contractor shall warrant the viability of all trees for two growing seasons.
3. The contractor shall at all times employ adequate safety measures to prevent injuries to persons or damage to property. The contractor shall furnish materials, labor and equipment to correct any and all areas deemed as unsafe by the Department.
4. The contractor shall restore or replace any property damaged by his work, equipment or employees to a condition at least equal to the condition that existed immediately prior to the beginning of operations. This includes pavements, sidewalks, curbing, driveways or other structures. Materials, equipment and methods for restoration shall be as approved by the Department.

- F. Miscellaneous.** The Department will not issue a Road Opening Permit for any street within an active subdivision when that street has not yet been accepted by the Town. These locations are considered Private Property and require permitting under the Town's Excavation and Trench Safety Regulation. The contractor shall obtain permission from the subdivision owner for any such road opening.

§ 197-5. Specifications.

- A. **Construction Methods and Materials.** All work and material shall comply in all respects to the Massachusetts Highway Department (MHD) "Standard Specifications for Highways and Bridges" 1995 edition or later.
- B. **Excavation and Backfilling.** Existing pavements shall be cut with a saw, wheel or pneumatic chisel along straight lines before excavating. Trenches shall be excavated only to the depth and width required for the work. If unsuitable material is found in the excavation, trenches may be over-excavated and suitable bedding material, such as pea stone or screened gravel may be used. Once piping has been installed bedding material shall be placed up to 1-foot over the pipe. The remainder of the excavation shall be backfilled with common fill material in 1-foot layers, thoroughly compacted, up to 18-inches below the bottom of the pavement repair. Fill material shall be free from any debris, trash or deleterious materials or any stone large than four-inches. Under no circumstances shall frozen material be used. The sub base layer for paving shall consist of bank run gravel installed in six-inch layers and thoroughly compacted. Compaction requirements for sub base layer shall be 95 percent of maximum density and 92 percent of maximum density for the remainder of the excavation when tested according to ASTM D1557, Method D. The Department may direct that field density compaction tests, performed by an independent testing laboratory be conducted as the work progresses. Test shall be paid for by the contractor.
- C. **Bituminous Concrete Paving.** In all instances, permanent pavement repairs shall match the existing adjacent pavement cross section thickness or a minimum compacted thickness of 2-1/2 inches of binder and 2 inches of surface course, whichever is greater. Bituminous concrete shall be Class I. Type I-1 conforming to Mass Highway standard M 3.11. All manhole frames and utility boxes are to be set to grade of the initial pavement until such time as the permanent pavement is placed. The contractor shall then reset the frames and boxes to the grade of the permanent pavement. At no time shall manhole frames and boxes be allowed to protrude above the surface of the initial pavement. Permanent pavement repair shall be compacted by means of a steel-wheel roller of sufficient weight to establish a uniform density comparable to that of the adjacent surface within the work area. The finished patch shall be level with no depression retaining water on any of its surface and shall be perfectly flush with the existing, surrounding pavement. The edges around the perimeter of the repaired areas shall be sealed with a suitable asphalt emulsion (RS-1 or equal).
- D. **Infrared Treatment.** When required, infrared treatment of final pavement shall be performed in conjunction with installation of final pavement unless otherwise approved by the Department. The area to be treated shall include the entire final pavement patch plus an additional 1-foot of existing pavement beyond each side of the initial pavement. The infrared heater shall be positioned over the areas to be treated for the time required to soften the existing pavement to a depth of 2-inches or more. The area shall be thoroughly scarified to a depth of at least 2-inches. A recycling agent admixture shall be added to the softened area after scarification, in the amount recommended by the admixture manufacturer and shall be raked to a uniform workable condition. Additional bituminous concrete material needed to achieve proper finished grade shall be added to the patch. This material shall have a temperature no less than 200 degrees F. Permanent

pavement repair shall be compacted by means of a steel-wheel roller of sufficient weight to establish a uniform density comparable to that of the adjacent surface within the work area. The finished patch shall be level with no depression retaining water on any of its surface and shall be perfectly flush with the existing, surrounding pavement. The edges around the perimeter of the repaired areas shall be sealed with a suitable asphalt emulsion (RS-1 or equal).

E. Materials.

Sanitary Sewer:

1. Gravity sewer pipe and fittings shall be PVC SDR 35 conforming to ASTM D3034 for sizes 4 through 18-inches. Pipe and fittings shall have bell and spigot push-on joints and shall be from a single manufacturer.
2. Precast concrete manhole barrel and transition top sections shall conform to Specifications for Precast Reinforced Concrete Manhole Sections, ASTM C478. Manhole sections shall not have rungs. Sections shall be sealed with a round rubber O-ring or a preformed flexible joint sealant. Exterior of all manhole sections shall be coated with an approved damp proofing material. Precast concrete barrel sections with precast top slabs and precast concrete transitions sections shall be designed for a minimum of H-20 loading plus the weight of soil above at 120 pcf.
3. Bricks for channels and shelves shall comply with ASTM C32, Sewer Brick, Grade SS. Bricks for building up and leveling manhole frames shall conform to ASTM C62.
4. Manhole covers shall have a diamond pattern; pick holes and the word "SEWER" cast in 3-inch letters. Manhole frame and cover shall be LeBaron Foundry model LA266 in paved areas and LAB266 with gasket in cross-country areas.

Storm Drain:

1. Drainage pipe shall be reinforced concrete pipe. Where suitable for the application, ADS plastic drainage pipe may be used.
2. Manhole covers shall have a diamond pattern; pick holes and the word "STORM" cast in 3-inch letters. Manhole frame and cover shall be LeBaron Foundry model LA266.
3. Catch basin frame and grate shall be LeBaron Foundry model LF246.

Water Distribution System and Water Service Connections:

The Town of Northbridge is served by a privately owned water company, the Whitinsville Water Company, and the municipally owned Northbridge Water System. The municipal system is operated and maintained for the Town by the Whitinsville Water Company, which serves as the agent for the Town system. Any and all work, on either system, involving connection to or extension of the water distribution system or connection of water services shall be coordinated with the Whitinsville Water Company and shall be accomplished in accordance with the standard specifications prepared by the Water Company.

Contact the Whitinsville Water Company well in advance of scheduling any work at 508-234-7358 for additional information or to obtain the required specifications as well as to coordinate installations and inspections. The water company is located at 44 Lake Street, Whitinsville, MA 01588.

§ 197-5.1. Excavation and trench safety.

In order to protect the General Public from the hazards inherent in open, unattended trenches the Commonwealth of Massachusetts has enacted legislation in the form of Chapter 82A of the General Laws requiring a permitting process be established for opening trenches on public and private property. In turn the Department of Public Safety has issued 520 CMR 14, Excavation and Trench Safety.

This section of these rules and regulations is the local implementing directive for the permitting process for excavation of trenches on WITHIN THE LAYOUT OF PUBLIC WAYS. Regulations governing trench excavation on private property are found in the Town of Northbridge Trench Excavation & Safety Regulation.¹

- A. **General.** Wherever an unattended trench exists, the operation shall be secured in a safe manner and suitable protection for the general public shall be provided. The permit holder shall secure the unattended trench to prevent unauthorized entry when work is not in progress.
- B. **Trenches on public ways.**

Access to unattended trenches opened during construction on a public way shall be restricted by covers or barriers.

1. Where covers are used they shall be comprised of steel metal plates no less than 3/4 inches thick, or equivalent. Covers shall be placed over the trench. Such covers shall be level and physically secure to prevent the creation of a hazard by inadvertent movement.
2. Where barriers are used they shall comply with the following provisions:
 - a. A continuous barrier not less than six feet in height shall surround the unattended trench.
 - b. All barriers shall be of adequate strength and shall be supported in a manner that will allow them to be seen by the motorist and provide a stable support not easily blown over by the wind or traffic.
 - c. Trench barriers adjacent to high speed traffic may include traffic control barrels ballasted by sandbags or temporary pre-cast concrete barriers as components.

1. Editor's Note: See Art. III of this chapter.

- d. Trench barriers comprised of multiple sections shall allow not more than four inches between each section. Adjacent sections must be securely fastened to each other.
- e. Any openings between the ground and barrier shall not exceed 4 inches.
- f. Barriers shall be at a sufficient distance from the trench to be unaffected by changing conditions of the trench site.

The provisions of this section may be substituted by monitoring of the unattended trench by the permit holder or by person(s) under the control and direction of the permit holder.

The provisions of this section may be substituted by backfilling the work site while unattended.

The permitting authority may require any additional, site-specific provisions it deems necessary to protect the general public as a condition to any permit issued.

§ 197-5.2. Unsafe condition - immediate shutdown.

1. Whenever the permitting authority, or an inspector from either the Department of Public Safety or the Division of Occupational Safety deems a condition at a trench site to be a threat to public safety he may order that the area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected to the satisfaction of the authority responsible for the immediate shutdown.
2. Conditions which warrant immediate shutdown of a trench site by the local permitting authority, an inspector from the Department of Public Safety or the Division of Occupational Safety may include:
 - a. A fatality or serious injury to a member of the general public;
 - b. Failure to use protections for the General Public in accordance with this regulation or an ineffective use of any protection for the General Public allowed by 520 CMR 14.04;
 - c. Failure to obtain a permit from the permitting authority;
 - d. Any other condition that constitutes a serious threat to life, limb or property of the general public as determined by the permitting authority, an inspector from the Department of Public Safety, or the Division of Occupational Safety.

§ 197-5.3. Failure to implement or effectively use adequate protections for the general public.

In the event that the permit applicant/permittee fails to implement or effectively use adequate protection for the general public or leaves a trench unattended, the permitting authority or

other competent authority may take any of the following corrective actions or combinations thereof:

1. Post an attendant to provide continuous monitoring of the unattended trench. Attendant may be a police officer, firefighter, flagman or other individual designated by the authority.
2. Plate the trench as required under these regulations
3. Backfill the trench

The permit applicant/permittee shall be responsible for all costs associated with the above corrective actions.

ARTICLE II
Use of Public Sidewalks and Ways
[Adopted 2-26-2007]

§ 197-6. Permitting authority and implementation.

In order to protect the integrity of all public rights-of-way, assure protection of all structures and utilities within and adjacent to these rights-of-way, and provide optimum safety and convenience and unrestricted access for the public; permission in accordance with the rules and regulations herein described must be obtained from the Northbridge Board of Selectmen hereinafter referred to as the "Board," before placing any object or item upon or above any public sidewalk or way.

- A. Authority. The authority for this requirement is found in the Code of the Town of Northbridge as follows:

§ 6-104. Permit required to place objects over streets and sidewalks.

No person, unless required by law so to do, shall, without a written permit from the Board of Selectmen, post, display, place or affix in any manner any sign, banner, placard, shade or awning on or over any street or sidewalk.

§ 6-110. Authority to require indemnification.

The board or officer issuing permits for the use of streets or sidewalks may, in its discretion, demand a suitable cash deposit, surety bond or insurance indemnity policy, to save the town harmless from all liability of any nature whatsoever caused directly, or indirectly by such use of the streets or sidewalks.

§ 5-107. Fees and charges by municipal agencies.

- A. *Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL c. 40, § 22F.*

- B. Implementation. All provisions of these rules and regulations shall be in effect beginning 45 calendar days following the date of adoption by the Northbridge Board of Selectmen. Any existing use of public ways regulated under these rules and regulations shall be required to obtain a permit within 60 calendar days following the effective date of these rules and regulations.
- C. Term of permit and fees. Permits shall be issued for a term of one calendar year or portion of a calendar, if issued in mid-year, and shall be renewable during the month of December of each year for the following calendar year. Permits issued during the calendar during which these rules and regulations are adopted shall expire at the end of December of that calendar year. (Example: If these rules and regulations are implemented in calendar year 2007, all licenses issued during 2007 shall expire on December 31, 2007.) The annual permit fee shall be \$25 paid by check to the "Town of Northbridge."
- D. Suspension of permit.

The Town, through the designated Enforcing Authority, reserves the right to suspend or revoke a permit for violation of these rules and regulations. One documented incident of failure or unwillingness to comply with these regulations shall result in a written warning and six months of probation during which time the permittee's compliance shall be monitored. Once on probation, one documented incident of failure to comply with these rules and regulations shall result in suspension of the permit for six months followed by six additional months on probation to be served after reinstatement of the permit. If a second violation occurs during the probationary period, permit shall be revoked.

Permittees may appeal any suspension or revocation, in writing, to the Board of Selectmen within 30 calendar days of written notification by the Enforcing Authority. The Board will make a determination based upon information submitted by the permittee and the Enforcing Authority and may request that the permittee appear before the Board to provide additional information regarding the appeal.

Probationary periods may not be appealed.

§ 197-7. Requirement for obtaining permit.

Public sidewalks are intended to provide for the free and unrestricted passage of pedestrians including those on foot and those mobility impaired persons who employ crutches, canes, wheelchairs, walkers and other mobility aids. To that end, these regulations are established to control the use of sidewalks and ways for other purposes. Permits must be obtained by any person, business, organization or other entity (herein after referred to as "person") before any public sidewalk or way can be used for display of merchandise, placement of signs or other advertisements or for placement of tables, chairs, benches or similar items associated with the conduct of a business activity. Any of the above uses as well as the installation of awnings or banners over sidewalks and the conduct of construction activities must be permitted in advance.

- A. Definitions. As used in these regulations, the following terms shall have the meanings indicated:

AWNING — A roof like shelter, made of fabric and which may be retractable, that extends over a doorway, window or the facade of a building in order to provide protection, as from the sun or weather.

BANNER — A strip of cloth upon which a sign is printed or painted.

BUILDING — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

PERSON — Includes an individual, corporation, society, association, partnership, trust or other entity, public or private.

RIGHT-OF-WAY — The line determining the street or highway limit of public ownership.

SIDEWALK — The paved surface located within the right-of way intended for the passage of pedestrians, including wheelchair ramps and other accommodations for the handicapped or disabled.

SIGN — Any material, structure or part thereof or any device attached to a building or structure or painted or represented thereon, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed and is intended for display of an advertisement, notice, directional matter or name, and includes sign frames, billboards, sign boards, illuminated signs, pennants, fluttering devices, projecting signs or ground signs.

SIGN AREA — The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

SIGN, FREESTANDING — A sign or sign support structure that is not attached to or part of a building or structure.

SIGN, GROUND — A sign supported by a pole, uprights or braces which are placed in or on the ground.

SIGN, PORTABLE OR MOBILE — A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

SIGN, TEMPORARY — A sign which is intended to advertise community or civic projects, real estate for sale or lease or other special events on a temporary basis.

WAY — That portion of the public right of way that is not part of the paved roadway or sidewalk.

Other terms used in these regulations shall have the meanings defined in the Town of Northbridge Zoning Regulations, Chapter 173, Article II, § 173-2, which are incorporated herein by reference.

B. Administration and enforcement.

1. Administration. The Building Inspector is hereby designated as the administrator of this program for the Board of Selectmen. The Building Inspector will administer the program under the direction of the Town Manager.
2. Enforcement. The Building Inspector is hereby authorized to enforce these rules and regulations and is the designated Enforcing Authority. In addition, any authorized representative of the Town may likewise enforce the requirements of these rules and regulations. Authorized representatives of the Town shall include but not be limited to the Town Manager or designated representative, police officers, firefighters, Public Works employees and the Building Inspector's designee.

§ 197-8. Regulated activities.

The following activities as described hereinafter are allowed under these rules and regulations and require the issuance of a permit.

A. Outdoor dining.

1. Outdoor dining may be located on public sidewalks adjacent to or abutting the indoor restaurant which operates the outdoor dining. Outdoor dining shall extend no further than the actual street frontage of the operating restaurant. Outdoor dining will be permitted only between April 15 and November 15 of each year. All items shall be removed from the public sidewalk during the non-permitted period. Notwithstanding the above permitted period, all items shall be immediately removed when a snowfall of one or more inches is forecast or occurs.
2. Outdoor dining operation shall provide not less than four contiguous feet of sidewalk exclusive of curbing clear of obstructions to allow unimpeded pedestrian traffic. At street corner intersections there shall be a minimum of eight feet of unobstructed sidewalk. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures and street signs. Further, the location of outdoor dining cannot obstruct the clear sight distance for vehicles or access to crossings for the disabled.
3. Furnishings for outdoor dining shall consist solely of movable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
4. Awnings shall be adequately secured and retractable. Umbrellas over tables must be adequately weighted.

5. Tables, chairs, and all other furnishings or accessories may be left in place overnight during seasonal operation but shall be removed from the sidewalk and stored indoors whenever outdoor dining is not in seasonal operation. It shall be the responsibility of the licensee to secure furnishings and accessories that are left in place overnight.
6. Outdoor heaters, bus stop shelters, trash receptacles, food preparation stations, and music shall not be permitted in the outdoor dining facility.
7. Outdoor dining shall be at the same elevation as the public sidewalk and any exceptions must be approved by the Building Inspector. Paint, carpeting, artificial turf, platforms or other surfaces of any kind shall not be permitted at any time in the outdoor dining facility.
8. One menu board sign may be displayed within the area of the outdoor dining mounted on an easel or other easily removable fixture. The sign shall not exceed six square feet.
9. Outdoor dining operation shall meet all Building Code requirements and Zoning Code Regulations.

B. Merchandise displays.

1. Displays of merchandise for sale will be allowed only during the operating hours of the business. Merchandise will be placed immediately adjacent to the store front. The sidewalk shall not be used for overnight storage. All items shall be removed from the sidewalk at the end of each business day.
2. A minimum forty-eight-inch wide unobstructed path shall be maintained to allow for passage of pedestrians. Care shall be taken to insure that access to crosswalks including wheelchair ramps remains unobstructed at all times.
3. All merchandise displays shall be removed from public sidewalks during snow storms or other weather events or whenever directed by an authorized representative of the Town.

C. Signs. The following requirements are in addition to the provisions of the Town of Northbridge Zoning Regulations, Chapter 173, Article VII, §§ 173-21 through 173-25 and are applicable to temporary, freestanding, portable or mobile signs as defined above, including banners.

1. No private sign or banner of any type shall be attached to any tree, utility pole, street lighting pole, traffic signal, traffic sign pole, or fence located within the layout of any public way. This restriction includes temporary signs such as special event, yard sale, garage sale, real estate and similar types of announcements or advertisements. Signs as described above may be removed and disposed of by the Town without notice.
2. Signs providing directions or information regarding civic organizations, religious organizations or other not-for-profit community service organizations may be erected within the layout of public ways with the prior approval of the Board of

Selectmen and after coordination of the proposed sign design and location with the Building Inspector and/or the Director of Public Works.

3. Ground signs as defined above shall not be permitted within the public right-of-way.
4. Portable or mobile signs may be located within the public right-of way. Portable signs may be placed within the way, but no closer than four feet from the edge of the roadway pavement. When placed on the sidewalk, portable signs shall be no closer than one foot from the edge of the roadway pavement when the sidewalk extends to the edge of the pavement. Portable signs shall not be placed closer than eight feet from intersections, crosswalks or from wheelchair ramps and in no case shall they be placed in any location where they will restrict the view of oncoming vehicle traffic in either direction. Portable signs placed on the sidewalk shall be removed at the close of each business day. Portable signs shall not exceed 42 inches in height or 24 inches in width or a total area of six square feet per side.

D. Awnings/banners.

1. Awnings or banners placed over sidewalks shall provide a minimum clearance of seven feet six inches between the sidewalk and the lowest extent of the awning.
2. To facilitate snow removal, all awnings/banners extending over sidewalks shall be removed or retracted to allow passage of snow removal equipment. The Town will not be liable for damages to awnings/banners resulting from snow removal operations.

E. Construction activities.

1. A permit shall be required whenever construction activities require the placement of equipment, temporary structures, storage containers, dumpsters and similar items on or over sidewalks and ways.
2. Whenever scaffolding, portable work platforms or high lift equipment are placed on or used over a sidewalk, the permittee shall insure there is a minimum of 36 inches of unobstructed passageway to allow pedestrian traffic. Additionally, whenever overhead work is being performed the permittee shall make provisions to protect pedestrians and passing or parked vehicles from falling debris, tools, and equipment or construction materials. Additionally, provisions shall be made to allow unobstructed access to or egress from neighboring properties, businesses or structures.

§ 197-9. Seasonal restrictions.

Safety of the public is paramount when authorizing the use of the public way for other uses. To that end, permittees must maintain awareness of weather conditions and take appropriate actions to insure objects placed in the right-of-way do not create hazards. Whenever severe weather conditions are forecast or occur without warning, permittees shall inspect and remove any item which can become airborne or which could otherwise pose a hazard to public safety. Placement of permitted items on sidewalks and ways shall be subject to seasonal restrictions.

Items associated with outdoor dining activities shall be removed between December 1 and April 1 to allow for snow removal operations. Additionally, they shall be removed whenever snowfall greater than one inch occurs.

All awnings shall be removed or retracted to the fully closed position during and following snow storms to allow for snow removal.

All signs located on sidewalks shall be removed during and following snow storms to facilitate snow removal.

The Town does not accept responsibility for damage or loss to property placed within the right-of-way.

§ 197-10. Severability.

The provisions of these regulations are severable and, in the event that any provision is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect. If any provision of these regulations is found to be in conflict with any provision of the Zoning Regulations, Chapter 173 of the Code of the Town of Northbridge, the Zoning Regulations shall govern.

ARTICLE III Excavations and Trench Safety [Adopted 12-22-2008]

§ 197-11. Permitting authority and implementation.

In order to protect the General Public from the hazards inherent in open, unattended trenches the Commonwealth of Massachusetts has enacted legislation in the form of Chapter 82A of the General Laws requiring a permitting process be established for opening trenches on public and private property. This regulation is the local implementing directive for the permitting process for excavation of trenches on PRIVATE PROPERTY and on PUBLIC PROPERTY NOT WITHIN THE LAYOUT OF a PUBLIC WAY. Rules and Regulations governing work performed within the layout of public roadways are found in Chapter 197 of the Code of the Town of Northbridge, Article I, Road Opening Permit Rules and Regulations.

A. **Authority.** The authority for establishing this regulation is as follows:

- (1) Massachusetts General Laws Chapter 82A, Excavation and Trench Safety:

§ 2. Each city, town or public agency shall designate 1 board or officer to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way of a city or town.

- (2) 520 CMR 14.00, Excavation and Trench Safety (a copy of which is attached herewith). Compliance with the requirements of this state regulation is implicit in the issuance of a permit under this regulation.²
- (3) Code of the Town of Northbridge:

§ 5-107. Fees and charges by municipal agencies.

- A. *Any municipal agency which is otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL C. 40, § 22F.*
- B. Implementation. All provisions of these rules and regulations shall be in effect beginning on March 1, 2009 or the date of adoption by the Northbridge Board of Selectmen whichever is later.
- C. Permitting Authority. The Department of Public Works is hereby designated the Permitting Authority for the Town of Northbridge under this regulation. The Permitting Authority is located at 11 Fletcher Street with normal office hours of Monday thru Friday, 7:00 AM to 3:00 PM.

§ 197-12. Requirement for obtaining excavation permits.

- A. Within Public Ways. Procedures for obtaining permits for work to be performed within the layout of public ways are detailed in the Code of the Town of Northbridge, CHAPTER 197, STREETS AND SIDEWALKS, ARTICLE I, Road Opening Permit Rules and Regulations, the provisions of which are incorporated herein by reference for any excavation work to be performed both on private and public property.
- B. On Private Property or Public Property not within the layout of Public Way. Excavators who propose to construct a trench on private property or on public property not within the layout of a public way must obtain a permit from the Town. The permit application form is included in this regulation.³ The application must be fully completed and submitted to the Permitting Authority a minimum of three (3) business days (municipal holidays excluded) prior to the proposed start of the work.

§ 197-13. Permit application.

- A. Submission of Application: Applicants must submit a fully completed permit application to the Permitting Authority a minimum of three (3) business days (municipal holidays excluded) prior to the proposed start of the work. In addition to the completed

2. Editor's Note: A summary of the state regulations is included at the end of this chapter. A complete copy of 520 CMR 14.00 is on file in the Town offices.

3. Editor's Note: A copy of the Trench Permit Application is included at the end of this chapter.

application, the applicant must provide a certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim or provide evidence of self-insurance in equal amounts.

- B. Permit Fee: Applicants must submit with their application a permit fee of \$25.00. Fee shall be paid by check made payable to "The Town of Northbridge." When work is to be performed by any department of the Town of Northbridge or their agent or contractor, the permit fee shall be waived. Additionally, the permit fee shall be waived for any public utility company governed by the rules of the Massachusetts Department of Public Utilities when the work is intended to extend, repair, replace or maintain the system of the public utility company. However, all other provisions of these rules and regulations shall apply.

- C. Term of Permit:

Permits issued under this regulation shall expire thirty (30) calendar days from the date of issue. Prior to the expiration date, they may be renewed for an additional thirty (30) calendar days without additional permit fee. Thereafter, each subsequent thirty-day renewal shall require the payment of an additional permit fee.

If the construction period is anticipated to be of extended duration, the permit may be issued for the entire construction period. The permit fee for the entire period shall be calculated as follows: \$25.00 for the initial 60 calendar days and \$25.00 for each additional 30 calendar day period or portion thereof. Applicants must notify the permitting authority within three (3) calendar days when all work under the permit has been completed.

- D. Posting of Permit: All permits issued pursuant to this regulation shall be posted in plain view on the site of the trench. All permits shall be made available to the permitting authority, any investigator from the Division of Occupational Safety, any inspector of the Department of Public Safety, or any other lawfully authorized authority.

§ 197-14. Trench excavation — protections for the general public.

- A. General: Wherever an unattended trench exists, the operation shall be secured in a safe manner and suitable protection for the general public shall be provided. The permit holder shall secure the unattended trench to prevent unauthorized entry when work is not in progress.
- B. Trenches at Fixed Work Sites other than on a Public Way: Access to unattended trenches opened during construction at a fixed work site on public or private property shall be restricted by covers or portable barriers.
- (1) Where covers are used they shall be comprised of steel metal plates no less than 3/4 inches thick or equivalent. Covers shall be placed over trenches. Such covers shall be level and physically secure to prevent the creation of a hazard by inadvertent movement.

- (2) Where portable protective barriers are used, barriers of a height not less than 6 feet shall be constructed surrounding the entire perimeter of the trench.
 - (a) Barriers comprised of multiple sections may allow not more than four inches between each section. Adjacent sections must be securely fastened to each other.
 - (b) Openings between the ground and fence shall not exceed 4 inches.
 - (c) Fence-type barriers shall be secured by vertical support members not more than ten feet apart. Fencing spaces shall not exceed 4 inches when measured as mesh size or between slats.
 - (d) Solid barriers shall not contain holes or indentations larger than 4 inches.
 - (e) All horizontal support members shall be located on the trench side of the barrier.
 - (f) The wall of a dwelling or other permanent structure of a height of not less than six feet may serve as part of the barrier, provided it complies with all of the provisions of this section.
 - (g) Gates and other means of egress must:
 - (i) Comply with the size and strength provisions of this section;
 - (ii) Be securely fastened to adjacent barrier components;
 - (iii) Allow not more than four inches between gates and barrier components;
and
 - (iv) Be securely locked with a padlock, combination lock, or other suitable locking device.
 - (h) Barriers must be clearly marked on all sides with signs indicating "Danger — Do Not Enter," "Authorized Personnel Only" or equivalent warning.
 - (i) Barriers shall be placed at a sufficient distance from the trench to be unaffected by changing conditions of the trench site.
- (3) The provisions of this section may be substituted by continuous personal monitoring of the unattended trench by the permit holder or by person(s) under the control and direction of the permit holder.
- (4) The provisions of this section may be substituted by backfilling the work site while unattended.
- (5) The permitting authority may require any additional, site-specific provisions it deems necessary to protect the general public as a condition to any permit issued.

§ 197-15. Unsafe condition — immediate shutdown.

- A. Immediate Shutdown: Whenever the permitting authority, or an inspector from either the Department of Public Safety or the Division of Occupational Safety deems a condition at a trench site to be a threat to public safety he may order that the area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected to the satisfaction of the authority responsible for the immediate shutdown.
- B. Conditions Warranting Shutdown: Conditions which warrant immediate shutdown of a trench site by the local permitting authority, an inspector from the Department of Public Safety or the Division of Occupational Safety may include:
- (1) A fatality or serious injury to a member of the general public;
 - (2) Failure to use protections for the General Public in accordance with this regulation or an ineffective use of any protection for the General Public allowed by 520 CMR 14.04;
 - (3) Failure to obtain a permit from the permitting authority;
 - (4) Any other condition that constitutes a serious threat to life, limb or property of the general public as determined by the permitting authority, an inspector from the Department of Public Safety, or the Division of Occupational Safety.

§ 197-16. Failure to implement or effectively use adequate protections for the general public.

- A. Corrective Actions: In the event that the permit applicant/permittee fails to implement or effectively use adequate protection for the general public or leave a trench unattended, the permitting authority or other competent authority may take any of the following corrective actions or combinations thereof:
- (1) Post an attendant to provide continuous monitoring of the unattended trench. Attendant may be a police officer, firefighter, flagman or other individual designated by the authority.
 - (2) Plate the trench as required under these regulations.
 - (3) Backfill the trench.
- B. Reimbursement of Costs: The permit applicant/permittee shall be responsible for all costs associated with the above corrective actions. Reimbursement of these costs must be made before excavating operations will be allowed to resume.
- C. Appeals: The process to appeal shutdown of work or suspension of excavation permits is detailed in 520 CMR 14.05, the provisions of which are incorporated herein.

ARTICLE IV
Streetlights
[Adopted 7-24-1995]

§ 197-17. Order for turning on lights.

Streetlights are turned on in this order:

A. Primary roads:

- (1) Intersections.
- (2) Dangerous curves.
- (3) Not less than every fourth pole.
- (4) Any crime problems based on recommendations of the police.

B. Secondary roads, to be broken into two sections:

- (1) Rural (other than roads which are defined as "thickly settled" under MGL c. 90, § 1):
 - (a) Intersections.
 - (b) Dangerous curves.
 - (c) Any crime problems based on recommendations of the police.
- (2) Residential (defined as "thickly settled" under MGL c. 90, § 1):
 - (a) Intersections.
 - (b) Dangerous curves.
 - (c) Not less than every fifth pole or at midpoint of street.
 - (d) Any crime problems based on recommendations of the police.

C. Business:

- (1) Recommend not moving any lights at this time; however, recommend increasing illumination upon the Board of Selectmen's discretion.
- (2) Business areas to be designated as follows:
 - (a) Whitinsville section.
 - (b) Linwood section.
 - (c) Rockdale section.
 - (d) Plummers section.

STREETS AND SIDEWALKS

197 Attachment 1
Town of Northbridge

APPENDIX 1
Important Phone Numbers

Emergency Numbers

Police/Fire or Medical Emergency: 911
NSTAR Gas (To report a leak or emergency) 1-800-572-9337
National Grid (To report an emergency) 1-800-322-3223
Massachusetts Dept. of Environmental Protection (Spill Hotline) 1-888-304-1133
Whitinsville Water Co. (To report a leak)508-234-7358
Dig Safe 1-888-344-7233

Non-Emergency Numbers

Permitting Authority (Northbridge Department of Public Works).....508-234-3581
Northbridge Police Department508-234-6211
Northbridge Fire Department508-234-8448
Department of Public Works Highway Division508-234-3581
Department of Public Works Sewer Division508-234-2154
Building Department508-234-6577
Plumbing Inspector/ Electrical Inspector508-234-6577
Board of Health508-234-3272
Planning Department508-234-2447
Conservation Commission508-234-0817
Whitinsville Water Company508-234-7358
Town Manager508-234-2095
Town Clerk508-234-2001

STREETS AND SIDEWALKS

197 Attachment 2

Town of Northbridge

APPLICATION FOR
UTILITY CONTRACTOR'S LICENSE

Please type or print all information.

Name of Contractor: _____

Owner or Principle Officer: _____

Mailing Address: _____

Business Address (If different): _____

Telephone Number: _____ Fax Number: _____

Emergency Contact Information:

Name: _____

Telephone (24-hour): _____ Pager/Cell Number: _____

Category of Work:

General Construction Service Connections Utility Main Construction

Certification:

I have received a copy of the Town of Northbridge Road Opening Permit Rules and Regulations and agree to abide by all requirements stated therein in conjunction with any work performed within the Right-of-Way of all public ways.

Signed: _____ Date: _____

OFFICE USE ONLY

Certificate of Insurance Street Opening Bond List of References

License Fee Paid: _____ License Number Issued: _____

Approved by: _____

Signed: _____ Date: _____

Expiration Date: December 31, 20____

STREETS AND SIDEWALKS

197 Attachment 3

Town of Northbridge



Town of Northbridge

Department of Public Works
 11 Fletcher Street, P. O. Box 88
 Whitinsville, Massachusetts 01588-0088
 Phone: (508)-234-3581
 Fax: (508)-234-0807

Permit Number: _____
Date Issued: _____
Expiration Date: _____

ROAD OPENING AND TRENCH PERMIT APPLICATION

Pursuant to G.L. c. 82A §1 and 520 CMR 7.00 et seq.(as amended)

THIS APPLICATION CONTAINS 5 PAGES. THEY MUST BE FULLY COMPLETED PRIOR TO SUBMISSION.

Name of Applicant/Permittee:			Phone:	Cell:
Street Address			24-Hour Contact Number:	
City/Town	ST	ZIP	Valid License <input type="checkbox"/>	
Name of Excavator (if different from applicant)			Phone:	Cell:
Street Address			24-Hour Contact Number:	
City/Town	ST	ZIP	Valid License <input type="checkbox"/>	
Name of Owner(s) of Property			Phone:	Cell:
Street Address				
City/Town	ST	ZIP		
Other Contact		Permit Fee Received No () Yes ()		
Description, location and purpose of proposed work: Describe the exact location of proposed trench(es) and its purpose (include a description of what is (or is intended) to be laid in proposed trench (e.g.; pipes/cable lines etc.) Please use reverse side if additional space is needed. Attach plans.				
Insurance Certificate #:				
Name and Contact Information of Insurer:				
Policy Expiration Date:				
Dig Safe #:		Start Date/Time:		
Name of Competent Person (as defined by 520 CMR 7.02):				

NORTHBRIDGE CODE

Massachusetts Hoisting License #:	
License Grade:	Expiration Date:

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH, OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AND ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERNING SUCH WORK.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

APPLICANT SIGNATURE

_____ DATE _____

EXCAVATOR SIGNATURE (IF DIFFERENT)

_____ DATE _____

OWNER'S SIGNATURE (IF DIFFERENT)

_____ DATE: _____

For Town use -- Do not write in this section	
PERMIT APPROVED BY	\$ _____ Application Fee
PERMITTING AUTHORITY _____ Date _____	
CONDITIONS OF APPROVAL	

STREETS AND SIDEWALKS

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section I of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. **This permit shall be posted in plain view on the site of the trench.**

For additional information please visit the Department of Public Safety's website at www.mass.gov/dps

STREETS AND SIDEWALKS

197 Attachment 4

Town of Northbridge

APPLICATION FOR
PERMIT TO PLACE OBJECT IN THE PUBLIC WAY

Name of Business: _____

Owner or Principle Officer: _____

Mailing Address: _____

Business Address (If different): _____

Telephone Number: _____ Fax Number: _____

Emergency Contact Information:

Name: _____

Telephone (24-hour): _____ Pager/Cell Number: _____

Type of Permit Requested: (Check one)

– Outdoor Dining – Merchandise Display – Sign – Awning/Banner – Construction

Submit with this application sketches, drawings, photographs or other descriptive information relating to the permitted items. Include sizes, dimensions and layout to show conformance with these rules and regulations.

Certification:

I have received a copy of the Town of Northbridge Rules and Regulations for Use of Sidewalks and Ways and agree to abide by all requirements stated therein.

Hold Harmless Agreement:

I agree to indemnify and hold harmless the Town of Northbridge, its officers, employees, and agents from and against any and all liabilities, claims, damages or expenses resulting from or incurred in connection with this permit. I agree to indemnify and hold the Town of Northbridge harmless from and against any and all suits, causes of action, judgments or damages, including attorneys' fees, arising out of or resulting from bodily injury or death or destruction of property, in connection with this permit.

Signed: _____

Date: _____

NORTHBRIDGE CODE

OFFICE USE ONLY _____

Permit Fee Paid: _____ Permit Number Issued: _____

Approved by: _____ Date: _____

Expiration Date: December 31, 20__

STREETS AND SIDEWALKS

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. **This permit shall be posted in plain view on the site of the trench.**

For additional information please visit the Department of Public Safety's website at www.mass.gov/dps

STREETS AND SIDEWALKS

197 Attachment 6

Town of Northbridge Summary of State and Federal Regulations

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to www.mass.gov/dps

Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, that excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

NORTHBRIDGE CODE

Summary of 1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard. For further information or a full copy of the standard go to www.osha.gov.

- **Trench Definition per the OSHA standard:**
 - An excavation made below the surface of the ground, narrow in relation to its length.
 - In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.
- **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:
 - Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.
 - Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.
 - Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
 - A registered professional engineer must design protective systems for all excavations greater than 20' in depth.
- **Ladders** must be used in trenches deeper than 4'.
 - Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.
 - Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.
- **Inspections** of every trench worksite are required:
 - Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
 - Inspections must be conducted by the competent person (see below).
- **Competent Person(s) is:**
 - Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
 - Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.
- **Underground Utilities** must be:
 - Identified prior to opening the excavation (e.g., contact Digsafe).
 - Located by safe and acceptable means while excavating.
 - Protected, supported, or removed once exposed.
- **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- **Stability of Adjacent Structures:**
 - Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
 - Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- **Protection from water accumulation hazards:**
 - It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
 - If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- **Additional Requirements:**
 - For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
 - Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
 - Employees must wear high-visibility clothing in traffic work zones.
 - Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O₂ <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
 - Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
 - Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.

Chapter 198

TREASURY WARRANTS AND TAX ANTICIPATION NOTES

§ 198-1. Treasury warrants.

§ 198-2. Tax anticipation notes.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 10-19-1987. Amendments noted where applicable.]

§ 198-1. Treasury warrants.

- A. The Town Accountant shall put a signed and dated coverage note on payroll and billing warrants indicating:
- (1) That all items are in order and he approves them for payment; or
 - (2) That all items appear to be order except for those listed on which he:
 - (a) Specifically wants Selectmen's advice;
 - (b) Will check further;
 - (c) Has rejected and why; or
 - (d) All are in order, but it is appropriate to call certain items, such as potential overdrafts or unusual expenditures, to the Selectmen's attention.
- B. Bills payable warrants shall be presented at the Selectmen's office on Mondays for their approval and signature.

§ 198-2. Tax anticipation notes.

The Town Treasurer shall present at least three separate quotations of interest rates to the Board prior to its authorizing the acquisition of tax anticipation notes. The Town Accountant shall be requested to make comments on tax anticipation notes.

Chapter 198A

UTILITY ABATEMENT REQUESTS

- | | |
|--|--|
| § 198A-1. Filing of abatement requests; valid complaints. | § 198A-5. Resolution of request. |
| § 198A-2. Required information; timeframe for filing; burden of proof. | § 198A-6. Payment of disputed amount. |
| § 198A-3. Submittal and investigation of request. | § 198A-7. Nonpayment of outstanding bills. |
| § 198A-4. Placement of request on Selectmen's agenda. | § 198A-8. Applicability. |
| | § 198A-9. Assistance with filing applications. |

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 7-9-2001; amended 8-30-2004, 7-11-2005; 9-8-2009; and 4-12-2010. Subsequent amendments noted where applicable.]

§ 198A-1. Filing of abatement requests; valid complaints.

Any customer of the Northbridge water system or sanitary sewer system may file an abatement request if he or she believes that the amount charged on the utility bill is in error by reason of incorrect readings, disruption of service, miscalculation of bill or other similar reason. Beginning with all sewer bills issued after July 1, 2009, the Town has adopted a winter quarter billing policy for all sewer bills. On March 22, 2010 the Board of Selectmen amended the winter quarter billing policy so that it applies only to single family residences. All other categories of sewer customers will be billed using actual water consumption for each billing quarter. All sewer bills for single family residences will be based on the customer's winter quarter water consumption, therefore sewer abatement requests for lawn watering, garden irrigation, pool maintenance and similar outdoor usages will not be accepted. Abatement requests will not be considered when filed to dispute the utility rate being used to calculate the utility bill.

§ 198A-2. Required information; timeframe for filing; burden of proof.

Abatement requests must be received by the Town within 30 calendar days of the billing date of the bill being disputed on a form approved by the Board of Selectmen. Application forms may be obtained from the Town Manager's Office, Treasurer-Collector's Office, Department of Public Works or on the Town of Northbridge website at www.northbridgema.org/dpwforms.htm. Applications received more than 30 days after the billing date are untimely submissions and will be returned without action. The request must state the reason for the abatement request and the amount of abatement being requested. The burden of proof for the abatement shall rest upon the applicant. The abatement request must include adequate information that will support the applicant's request. Some examples include previous utility bills indicating different meter readings, evidence of mathematical errors in computing charges, evidence of faulty meters, etc.

§ 198A-3. Submittal and investigation of request.

Abatement requests will be submitted to the Town Manager's office and immediately forwarded to the Department of Public Works (the Department) for investigation and review. The written determination of the Department on the disposition of the abatement request will normally be completed and returned to the applicant within calendar 30 days of receipt of the abatement request. The Department is authorized to approve, modify, or reject the request of the applicant or take any other action deemed appropriate in disposition of the abatement request. The Department will notify the applicant in writing of their determination.

§ 198A-4. Placement of request on Selectmen's agenda.

In the event that the applicant disputes the decision of the Department, the applicant may appeal the decision in writing to the Board of Selectmen. The applicant's appeal must provide specific evidence in support of his/her position in disputing the decision of the Department. At the next regularly scheduled Selectmen's meeting after receipt of the applicant's written appeal, the Chairman of the Board of Selectmen will place the abatement request appeal on their agenda and will so notify the applicant. The Selectmen will review the abatement request appeal, allowing the applicant to speak to the issue, and the determination of the Department of Public Works. The Board of Selectmen will then render a final decision on the applicant's appeal.

§ 198A-5. Resolution of request.

The Board of Selectmen may resolve the abatement request appeal on the basis of the applicant's position, the Department's determination, some combination thereof, or on any other basis as deemed appropriate by the Board. The Board may also table the matter to a future meeting should it require additional time to make a decision or require additional information, but in no event will a final decision be delayed longer than 30 days after the matter has first been heard by the Selectmen.

§ 198A-6. Payment of disputed amount.

To prevent the issuance of late notices and the assessment of interest charges, applicants must make timely payment of their utility bills. It is not necessary for the abatement applicant to pay the disputed amount pending the decision of the Department of Public Works; any undisputed amount, however, shall be paid when due. Before applying for an abatement, applicants should contact the Department of Public Works at 508-234-3581 to obtain information on minimum payments that must be submitted to prevent issuances of late notices. Should the decision of the Department not be in favor of the applicant or should the amount of the abatement that is approved be less than the amount requested, the applicant will be required to pay any interest charges that may have accrued on the disputed balance.

§ 198A-7. Nonpayment of outstanding bills.

Although it is the policy of the Board of Selectmen to use discontinuance of service as its preferred method of requiring payment of outstanding utility bills, in certain situations liens

may be placed on the real estate where the service is provided pursuant to MGL C. 40, §§ 42A through 42E (water) or MGL C. 83, §§ 16A through 16E (sewer). The owner of the real estate has a right to request an abatement of the amount of the lien as allowed in the before-mentioned statutes and, to the extent possible, the Board of Selectmen will utilize the procedures outlined in this policy in deciding the abatement request.

§ 198A-8. Applicability.

This policy is effective seven days after adoption by the Board of Selectmen and is applicable to all water and sewer bills issued by the Town of Northbridge with a billing date more than seven days after the adoption of this policy.

§ 198A-9. Assistance with filing applications.

Applicants may contact the Northbridge Department of Public Works (DPW) at 508-234-3581 to obtain assistance in filing an application. Contact with the DPW does not relieve applicants of their responsibility to make timely payments of the undisputed billing amount or of the requirement to file an application within thirty days of the billing date.

UTILITY ABATEMENT REQUESTS

198A Attachment 1

Town of Northbridge

Application for Utility Abatement

INSTRUCTIONS: Please type or legibly print all information. Attach any documentation that supports the abatement request. Sign, date and submit to: Office of the Town Manager, Town Hall, 7 Main Street, Whitinsville, MA 01588. Applications must be received within 30 calendar days of the billing date of the disputed bill. For additional information, see Northbridge Town Code Chapter 198A Utility Abatement Requests. For assistance in completing this form contact Northbridge DPW at 508-234-3581.

Name of Applicant: _____ Application Number: _____ (Leave Blank)

Mailing Address: _____

Telephone Number: _____

Utility Abatement Requested for (Check appropriate block) Water: _____ Sewer: _____

Location and description of property served by the utility: _____

Account #: _____ Date of Bill: _____ Billing period from _____ to _____

Amount of Bill: \$ _____ Amount of Abatement Requested: \$ _____

Reasons for Abatement Request: _____

(Use additional pages and/or attach supporting documents if needed.)

Subscribed this _____ day of _____ 20__ under penalties of perjury.

Signature of Applicant: _____

Do not write below this line

Reviewed by: _____ Date of Review: _____

Comments: _____

Action Taken: ___ Approved Amount \$ _____ ___ Disapproved
Approval/Disapproval Signature: _____ Date: _____

Abatement Application Form 2010, July 14, 2009. Previous editions are obsolete.

Chapter 199
VEHICLES AND TRAFFIC

	ARTICLE I Definitions		
§ 199-1.	Terms defined.	§ 199-14.	Bus stops.
		§ 199-15.	Time limit parking.
		§ 199-16.	Angle parking.
		§ 199-17.	Parking of vehicles for sale.
		§ 199-18.	No parking.
		§ 199-18.1.	Parking for handicapped persons.
	ARTICLE II Authority and Duties of Police		
§ 199-2.	Enforcement of provisions.		
§ 199-3.	Authority to temporarily close streets.		ARTICLE VI Miscellaneous Use of Streets
§ 199-4.	Authority to temporarily prohibit parking.	§ 199-19.	Placing of objects or structures in streets.
§ 199-5.	Exemptions.	§ 199-20.	Deposit, bond or insurance policy for street use.
	ARTICLE III Traffic Signs, Signals, Markings and Zones		
§ 199-6.	Authority to place and maintain; conformance.		ARTICLE VII Operation of Vehicles
§ 199-7.	Unauthorized signs, signals and markings prohibited.	§ 199-21.	Driving with marked lanes.
§ 199-8.	Tampering prohibited.	§ 199-22.	Use of right lane.
§ 199-9.	Authority to designate bus stops.	§ 199-23.	Overtaking of other vehicles.
§ 199-10.	Obedience to signs and signals.	§ 199-24.	Giving way to overtaking vehicle.
		§ 199-25.	Obstruction of traffic.
		§ 199-26.	Following too closely.
		§ 199-27.	Slow vehicles not to follow one another.
		§ 199-28.	Care in starting, stopping, turning and backing.
	ARTICLE IV Coasting; Zones of Quiet	§ 199-29.	Keeping to the right of highway divisions.
§ 199-11.	Streets reserved for coasting.	§ 199-30.	Roads under construction or repair.
§ 199-12.	Zones of quiet.	§ 199-31.	Driving on sidewalks.
		§ 199-32.	Identification of funerals.
	ARTICLE V Parking	§ 199-33.	Rights and duties of drivers in funeral and other processions.
§ 199-13.	General prohibitions.		

§ 199-34. Transportation of dropping or leaky loads.

§ 199-37. Responsibility for violations.

§ 199-38. Violations and penalties.

§ 199-35. Stop intersections.

§ 199-39. Repealer.

ARTICLE VIII

Accident Reports; Responsibility; Penalties

ARTICLE IX

Restricted Highways

§ 199-36. Reporting of accidents.

§ 199-40. Truck prohibitions.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 5-17-1937. Amendments noted where applicable.]

GENERAL REFERENCES

Traffic signs, signals and other devices — See Ch. 6, § 6-115. Use of streets, sidewalks and other public places — See Ch. 7.

ARTICLE I
Definitions

§ 199-1. Terms defined.

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

BUS STOP — An area in the roadway set aside for the boarding of or alighting from and the parking of buses.

CROSSWALK — That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

EMERGENCY VEHICLE — Vehicles of the Fire Department (Fire Patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency in relation to the Police or Fire Department.

FUNERAL — Any procession of mourners properly identified as such accompanying the remains of a human body.

LANE — A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER — Any officer, any investigator, examiner or inspector of the Registry of Motor Vehicles, any constable or special officer, provided that he has his badge of office displayed over his left breast and upon his outer garment.

OFFICIAL CURB MARKING — That portion of a curbing, the painting of which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

OFFICIAL STREET MARKING — Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Board of Selectmen and which has the written approval of the Department of Public Works, Commonwealth of Massachusetts.

OFFICIAL TRAFFIC SIGNALS — All signals, conforming to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts, not inconsistent with these rules and orders, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.

OFFICIAL TRAFFIC SIGNS — All signs, markings and devices, other than signals, not inconsistent with these rules and orders, which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

PARKING — The standing of a vehicle, whether occupied or not, otherwise than temporarily for their purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

RAILROAD CROSSING — Any intersection of ways with a railroad right-of-way.

ROADWAY — That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

STREET or HIGHWAY — The entire width between property lines of every way open to the use of the public for purposes of travel.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances, either single or together, while using any street or highway for the purpose of travel.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II Authority and Duties of Police

§ 199-2. Enforcement of provisions.

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and regulations. Such officers are hereby authorized to direct all traffic, either in person or by means of visible or audible signals, in conformance with the provisions of these rules and orders, provided that in the event of a fire or other emergency, to expedite traffic or

safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of these rules and regulations.

§ 199-3. Authority to temporarily close streets.

The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

§ 199-4. Authority to temporarily prohibit parking.

The Chief of Police is hereby authorized to prohibit temporarily parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

§ 199-5. Exemptions.

The provisions of these rules and regulations shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

ARTICLE III

Traffic Signs, Signals, Markings and Zones

§ 199-6. Authority to place and maintain; conformance.

- A. The Board of Selectmen is hereby authorized and, as to those signs and signals required hereunder, it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones.
- B. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts.

§ 199-7. Unauthorized signs, signals and markings prohibited.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

§ 199-8. Tampering prohibited.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding \$20 for each and every offense.

§ 199-9. Authority to designate bus stops.

The location of all bus stops shall be specified by the Board of Selectmen, and it shall designate who may use them as such.

§ 199-10. Obedience to signs and signals.

No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend unless otherwise directed by a police officer.

ARTICLE IV
Coasting; Zones of Quiet

§ 199-11. Streets reserved for coasting.

- A. On those days when conditions are suitable for coasting, vehicular traffic is hereby prohibited from using the following streets or parts of streets during such time as official signs are erected indicating that such streets or parts of streets are reserved for coasting:

Fowler Road
Johnston Avenue
North Main Street

- B. The foregoing provision shall not apply to drivers of vehicles having business within such reserved areas or to drivers of vehicles whose residences are within such reserved areas.

§ 199-12. Zones of quiet.

- A. All of the territory within 200 feet of the premises of each hospital in this town is hereby created and established as a zone of quiet. The Chief of Police is hereby authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a zone of quiet.
- B. The Chief of Police may temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of at least two registered physicians certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of 200 feet of the building occupied by the person named in the request of said physicians. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- C. No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle except in an emergency.

**ARTICLE V
Parking**

§ 199-13. General prohibitions.

No person shall park a vehicle in any of the following places, and vehicles found parked in violation of the provisions of this section may be moved by or under the direction of an officer and at the expense of the owner to a place where parking is permitted:

- A. Within an intersection.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within 12 inches of the curb or edge of the roadway. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- F. Upon any roadway where the parking of a vehicle will not leave a clear an unobstructed lane at least 10 feet wide for passing traffic.
- G. Upon any street or highway within 10 feet of a hydrant.
- H. Upon or in front of any private road or driveway.
- I. Upon any street or highway within 20 feet of an intersection way, except alleys.
- J. On any rail road track bordering a highway.

§ 199-14. Bus stops.

- A. No person shall park a vehicle other than a bus in a bus stop.
- B. No person shall park a bus upon any street within a business district at any place other than a bus stop when a nearby bus stop is available for use.

§ 199-15. Time limit parking.

No person shall park a vehicle for longer than the time specified during the hours and at the locations specified below:

Name of Street	Limit	Hours	Location
Main Street	2 hours	8:00 a.m. to 6:00 p.m., except Sundays and public holidays	Between Memorial Square and the west end of the Whitin Community Gymnasium

§ 199-16. Angle parking.

- A. The Board of Selectmen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.
- B. Upon the following streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within 12 inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four wheels of the vehicle shall be placed wholly within the painted lines provided:

Name of Street	Location
Cross Street	Between Church Street and East Street

§ 199-17. Parking of vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

§ 199-18. No parking. [Added 11-17-1975]

No parking shall be allowed at the following locations, and signs shall be erected stating same:

Name of Street	Location
Arcade Street	At the corner of the intersection with Crescent Street
Church Street	At the corner of the intersection with Leland Road

§ 199-18.1. Parking for handicapped persons. [Added 5-3-1988 ATM, Art. 13¹]

- A. Applicability. This section shall apply to any existing or future parking area to which the public has right of access as invitees or licensees which contains more than 15 parking spaces.
- B. Requirements for handicapped parking spaces. No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned and operated by disabled veterans or by handicapped persons unless said vehicle bears the distinctive license plates or placards authorized by MGL C. 90, § 2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL C. 90, § 2, or for any vehicle bearing the official identification of a handicapped person issued by any other state. Any person or body that has lawful control of a public or private way or of imposed or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said

¹ Editor's Note: This bylaw also provided that it take effect October 1, 1988.

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 MGL C. 90, § 2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL C. 90, § 2, or for any vehicle bearing the official identification of a handicapped person issued by any other state, according to the following formula: if the number of parking spaces in any such area is:

- (1) More than 15 but not more than 25: one parking space.
- (2) More than 25 but not more than 40: 5% of such spaces but not less than two.
- (3) More than 40 but not more than 100: 4% of such spaces but not less than three.
- (4) More than 100 but not more than 200: 3% of such spaces but not less than four.
- (5) More than 200 but not more than 500: 2% of such spaces but not less than six.
- (6) More than 500 but not more than 1,000: 1½% of such spaces but not less than 10.
- (7) More than 1,000 but not more than 2,000: 1% of such spaces but not less than 15.
- (8) More than 2,000 but less than 5,000: ¾ of 1% of such spaces but not less than 20.
- (9) More than 5,000: ½ of 1% of such spaces but not less than 30.

C. Sign requirements for and location of handicapped parking spaces. Each parking space designated as reserved under the provisions of Subsection B or each pair of such spaces shall be identified by a permanently installed above-grade sign located at a height of not less than five feet and not more than eight feet to the top of the sign with white lettering against a blue background and shall bear the words "Handicapped Parking, Special Plate Required, Unauthorized Vehicles may be Removed at Owner's Expense," and must also contain the International Symbol of Accessibility, which is a person in a wheelchair. Such parking spaces 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, shall be 12 feet wide and have two eight-foot-wide areas with four feet of crosshatch between them and shall contain the International Symbol of Accessibility on their surface. However, on unpaved lots, parking spaces shall be designated only by the sign as defined in this section. Where the designated parking space cannot be located within 200 feet of an entrance accessible to the physically handicapped, a drop-off area accessible to the physically handicapped shall be provided within 100 feet of such entrance.

D. Regulation of unauthorized vehicles in handicapped spaces.

- (1) The penalty for parking in violation of this section shall be as follows: for the first offense, \$15; for the second offense, \$25; and for each subsequent offense, the vehicle may be removed according to the provisions of MGL C. 266, § 120D. This provision shall be enforced by the Police Department.
- (2) The penalty for failure to establish and maintain the parking spaces and signs required by Subsections B and C shall be \$200 for each day such failure continues. This provision shall be enforced by the Building Inspector.

ARTICLE VI
Miscellaneous Use of Streets

§ 199-19. Placing of objects or structures in streets.

- A. No person shall place, erect or cause to be placed or erected within any sidewalk, street or highway any fixture or structure unless a permit issued by the Board of Selectmen in the case of town ways or by the Department of Public Works, Commonwealth of Massachusetts, in the case of state highways, authorizing such placing or erection has been granted and is in effect.
- B. No person, other than one employed directly or indirectly by this town or by the Commonwealth of Massachusetts and while in the performance of necessary public duties, shall at any time place or leave in any sidewalk, street or highway any article, material or merchandise or park a vehicle or cart in any sidewalk, street or highway for the purpose of displaying merchandise unless a permit issued by the Board of Selectmen in the case of town ways or by the Department of Public Works in the case of state highways, authorizing the use of the sidewalk, street or highway has been granted and is in effect, except as may be necessary for the reasonable and expeditious loading or unloading of any such article, material, merchandise, cart or vehicle; provided, however, that such property shall never be left so as to obstruct the free passage of pedestrians or vehicular travel.
- C. Any such fixture, structure or property as referred to in this section which has been erected, placed or left illegally in any street, highway or sidewalk may be moved by or under the direction of an officer and at the owner's expense.

§ 199-20. Deposit, bond or insurance policy for street use.

The Board or officer issuing permits for such use of sidewalks, streets or highways as is described in the previous section may, in its or his discretion, when occasion justifies, demand a suitable cash deposit, surety bond or insurance indemnity policy to save the town or the Commonwealth of Massachusetts harmless from all liability of any nature whatsoever caused directly or indirectly by such use of the sidewalk, street or highway.

ARTICLE VII
Operation of Vehicles

§ 199-21. Driving with marked lanes.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

§ 199-22. Use of right lane.

On all roadways the driver of a vehicle shall drive in the lane nearest the right side of the roadway when said lane is available for travel except when overtaking another vehicle or when preparing for a left turn.

§ 199-23. Overtaking of other vehicles.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead.

§ 199-24. Giving way to overtaking vehicle.

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle, on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 199-25. Obstruction of traffic.

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

§ 199-26. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

§ 199-27. Slow vehicles not to follow one another.

On roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving vehicle when traveling outside of a business or residential district shall not follow another slow-moving vehicle within 200 feet, but this shall not be construed to prevent such slow-moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals or other lawful processions.

§ 199-28. Care in starting, stopping, turning and backing.

The driver of any vehicle, before starting, stopping, turning from a direct line or backing, shall first see that such movement can be made in safety. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal.

§ 199-29. Keeping to the right of highway divisions.

On such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

§ 199-30. Roads under construction or repair.

No operator shall enter upon the road surface of any street or highway or section thereof when, by reasons of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such road surface is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals.

§ 199-31. Driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

§ 199-32. Identification of funerals.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple cross attached to the first vehicle.

§ 199-33. Rights and duties of drivers in funeral and other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.
- B. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

§ 199-34. Transportation of dropping or leaky loads.

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

§ 199-35. Stop intersections. [Added 5-24-1937]

- A. Every driver of a vehicle or other conveyance approaching an intersection of ways at which there is facing him an official sign bearing the word "stop," authorized hereby and which has been specifically approved in writing by the Department of Public Works of the Commonwealth of Massachusetts and such approval being in effect, shall, before entering and proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such line as may be clearly marked, or, if there is no line so marked, at a place between the said sign and the nearer line of the street intersection. When, however, a line of two or more vehicles approaches any such sign, the drivers of the second and third vehicles in the line shall not be required to stop more than once at said designated line or place or in the immediate vicinity thereof. This rule shall not apply when the traffic is otherwise directed by an officer or by any lawful traffic-regulating sign, signal or device, to any thoroughway established by the town or to a funeral procession as provided in § 199-38 of this article.
- B. In accordance with the foregoing, the erection and maintenance of official stop signs is hereby authorized to be located and placed as follows:

Name of Street	Direction of Travel	At Intersection of
Chestnut Street [Added 4-18-1938]	East	Hill Street
Cross Street [Added 4-18-1938]	Southwest	Linwood Avenue
Douglas Road [Added 4-18-1938]	North	Main Street
Hill Street [Added 4-18-1938]	Southeast	Main Street
Linwood Avenue [Added 4-18-1938]	West	Church Street
Linwood Avenue [Added 4-18-1938]	West	Main Street
Sutton Street	Both	Farnumsville Road
Sutton Street	Both	Hill Street

**ARTICLE VIII
Accident Reports; Responsibility; Penalties**

§ 199-36. Reporting of accidents.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of \$25 or more shall, within 24 hours, make a full and complete report in writing of such accident to the police headquarters in this town. A driver who has been incapacitated as a result of such accident and to such extent as to make reporting impossible or unfavorable to his recovery shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form

furnished by the Police Department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

§ 199-37. Responsibility for violations.

If any vehicle is found upon any street or highway in violation of any provision of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

§ 199-38. Violations and penalties.

Except as otherwise provided by statute or by any commission, department or other body authorized by law to impose penalties for violations of rules, regulations and orders governing the use and operation of vehicles, any person convicted of violating any of the provisions of the foregoing rules and regulations shall be punished by a fine of not more than \$2 for the first offense and not more than \$20 for each subsequent offense of a like nature committed during any period of one year, unless otherwise herein provided.

§ 199-39. Repealer.

- A. These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.
- B. All other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of the said rules, orders or regulations hereby repealed.

ARTICLE IX
Restricted Highways
[Adopted 12-1-1986]

§ 199-40. Truck prohibitions.

All trailer trucks are prohibited from using the following streets:

Water Street

Chapter 200
VOTING PRECINCTS

§ 200-1. Polling location.

[HISTORY: Adopted by the Board of Selectmen of the Town of Northbridge 10-19-1987; amended in its entirety 12-17-2007. Subsequent amendments noted where applicable.]

§ 200-1. Polling location.

Starting with the February 5, 2008, presidential primary, the polling place for Precincts 1, 2, 3, and 4 will be the Northbridge High School, 427 Linwood Avenue. The voting will take place in the Northbridge Veterans' Memorial Field House.