

## ARTICLE 12

### SAFETY AND ORDER

#### Moving of Buildings

**SECTION 1.** No buildings shall be moved over a public street without a permit from the Board of Selectmen and the Inspector of Buildings. The Board of Selectmen shall require the owner of any building being moved or the person moving it, or both, to file with the Inspector of Buildings office a bond with satisfactory sureties to save the Town harmless from loss, costs or damages. (T.M. 1/14/85) (T.M. 10/19/92)

#### Obstruction of Streets

**SECTION 2.** No person shall place or cause to be placed, in any public street, anything tending to obstruct the public way, without a written permit from the Selectmen.

#### Fireworks and Firearms

**SECTION 3.** No person shall discharge any kind of firearms, nor any firecrackers, or fireworks, or explosive compound, in any street or public way, nor throw such fireworks, or explosive material, within the limits of any street or public way, except in the performance of a legal right or duty.

#### Disposal of Polluted Material

**SECTION 4.** No person shall conduct or empty any filthy water or unclean matter into or upon any street or public way.

#### Littering on Public Streets

**SECTION 5.** No person shall throw or place or cause to be thrown or placed upon or along any street or public way of the Town any nails, spikes, screws, glass, tin cans, garbage or other similar articles.

#### Control of Snow and Water Off Buildings

**SECTION 6.** No owner or person having care of a building abutting upon any curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without a barrier, snow guard or other device to prevent the falling of snow or ice from such roof to the sidewalk, nor shall the owner or person having care of any such buildings, permit water to discharge on any sidewalk from such building in such manner as to flow over the sidewalk.

#### Damage to Lights and Signals

**SECTION 7.** No person shall extinguish, damage or break any street or electric light bulb, or remove any light placed to warn the public against an obstruction or defect in any street or public way, unless such persons is authorized by those having charge of such light, or of the street or way.

### **Towing of Obstructing Vehicles**

**SECTION 8A.** The Director of Public Works or his designee or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, may remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be responsible for the cost of such removal and all storage charges, if any, resulting therefrom. (T.M. 10/20/03)

### **Penalty**

**SECTION 8B.** Whoever violates any provisions of the previous section (8A) of the By-Laws shall be liable to a penalty of Twenty Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and One Hundred Dollars (\$100.00) for the third and succeeding offenses. (T.M. 3/18/74)(T.M. 10/20/03)

### **Depositing Snow on Town Roadways**

**SECTION 8C.** No person other than an employee in the service of the Town, or an employee in the service of an independent contractor acting for the Town, shall pile, push or plow snow or ice onto or across a Town roadway. Whoever violates this section shall be punished by a fine of One Hundred Fifty Dollars (\$150.00) for each offense. (T. M. 10/20/03)

### **Obstructing Public Ways**

**SECTION 9.** Persons shall not congregate or stand upon any sidewalk, street or public way so as to obstruct the free passage thereof, after being directed by a police officer to move on.

### **Disorderly Conduct**

**SECTION 10.** No persons shall behave in a rude or disorderly manner, or use any indecent, profane, or insulting language in any street, highway, or other public place in the town, or be or remain upon any doorstep, portico, or other projection from any house or other building not his own, or any church, meeting house, railroad depot, or platform, public hall, or entrance thereto, to the annoyance or disturbance of any person. Nor shall any person at or near upon any such dwelling house, building, sidewalk, doorstep, portico, fence or projection or such meeting house, public hall, railroad depot, or platform or entrance thereto, commit any nuisance.

### **Grazing on Public Ways**

**SECTION 11A.** No person shall pasture any animal upon any street or way in the town, with or without keeper, except within the limit of such way adjoining his own premises, and on the same side of the street therewith.

### **Animals or Vehicles in Or Upon Public Areas**

**SECTION 11B.** No person shall permit any animals or vehicles to be in or upon the Common, parks or developed recreation areas of the Town except within the limit of the designated parking areas or with approval by the Board of Selectmen or their designee. (T.M. 05/14/2012)

#### **Bills and Posters**

**SECTION 12.** No person shall post up, or affix in any manner any bill, placard, or notice, either written or printed, upon the fence, posts or guide boards, walls, bridges, trees, stones, rocks, or any other object or upon any part of any building in the Town, without the previous consent of the occupant or the occupants, or those having charge thereof, or if there be no occupant, without the previous consent of the owner thereof. No person shall make any indecent figures, or write any indecent or obscene words upon any building structure, or public place in this town.

#### **Coasting, Cycling and Missile Throwing**

**SECTION 13A.** No person shall throw stones, snowballs, or other missiles, nor coast or slide down, in or along any of the sidewalks or streets of this town, upon any sled, boards, or otherwise, or ride a bicycle on the sidewalks within the Town, except at such places and under such restrictions and regulations as the Selectmen shall designate. (T.M. 10/15/01)

**SECTION 13B.** No person shall operate or ride on a skateboard, roller skates, or in-line skates on any public property, sidewalk, or street where signs are posted prohibiting such use. Any person violating this Section shall be fined Twenty-Five Dollars. (T.M. 10/15/01)

#### **Definition of Streets**

**SECTION 14.** Whenever the words "Streets or Street" are mentioned in these by-laws, it should be understood as including any place to which the public has a right or access.

#### **Bathing Restrictions**

**SECTION 15.** No person shall bathe or swim in any of the waters within the Town, in a state of nudity, in places exposed to public view, in the immediate sight of the occupant or occupants of any building.

#### **Licensing of Junk Dealers**

**SECTION 16.** The Board of Selectmen of the town may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, may make rules and regulations relative to their business and may provide the supervision thereof. Said licensing board may make additional rules, regulations, and restrictions. Said licenses may be revoked at the pleasure of the Board.

In accordance with Chapter 140, Section 54 of the Massachusetts General Laws the following rules and regulations shall apply to all licenses issued under this Article, with reference to the purchase of gold, silver and platinum.

- a. Whoever is carrying on a business of purchasing, selling or bartering of gold, silver or platinum shall keep a numbered form book approved by the Town in which shall be entered at the time of receiving any article, the name, address, date of birth and sex of the person from whom purchased and a detailed description of item purchased, date of purchase and time of purchase of any item exceeding twenty-five dollars (\$25.00).
- b. Any person who sells or barter gold, silver or platinum shall be required to show to the buyer prior to said sale, identification which includes a photograph of the seller. Said seller shall also sign legal signature on form provided, upon completion of said transaction.
- c. The form book herein described shall be at all times open to inspection by the Chief of Police, or his designee.
- d. All licenses granted under this Article shall designate the place where the person licensed may carry on his business, and he shall not engage in or carry on his business in any other place than the one designated.
- e. All purchases of gold, silver or platinum shall be kept on the premises of the licensee for a minimum of (20) twenty days and shall at all times during the said (20) twenty days be available for inspection by the Chief of Police or his designee.
- f. No person licensed under this Article shall purchase any article from any minor, knowing or having reasonable cause to believe that such person is a minor.
- g. Any violation of this section may result in the revocation of license issued under this Article by the Board of Selectmen.

### **Licensing of Hawkers and Peddlers**

**SECTION 17.** The Board of Selectmen shall license suitable persons to be hawkers and peddlers of merchandise, produce, flowers, furniture, artwork, etc. as provided in Sections 16 and 17 of Chapter 101 of the General Laws. No person or persons may engage in the activity described in this section without being licensed by the Board of Selectmen. The Board of Selectmen may make additional rules and regulations relative to this type of business and may revoke said licenses at its pleasure. (T.M. 10/16/89)

### **Penalty**

**SECTION 18.** Whoever violates any provisions of this article of the By-Laws, except Sections 8A and 8B - Towing of Obstructing Vehicles, shall be liable to a penalty not exceeding Twenty Dollars (\$20.00). (T.M. 3/18/74)

### **Soliciting or Canvassing**

**SECTION 19.** It shall be unlawful for any solicitor or canvasser as defined in this By-Law section to engage in such business within the Town of Grafton without first obtaining a license therefore in compliance with the provisions of this By-Law section. The provisions of this By-Law

section shall not apply to any person residing within the Town of Grafton and engaged in the pursuit of soliciting for charitable benevolent, fraternal, religious or political activities, nor to any person exempted under Chapter 101 of the General Laws, or to any person duly licensed under Chapter 101 of the General Laws, or to any person exempted by any other General Law, nor shall this By-Law section be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic deliveries.

A solicitor or canvasser is defined as any person, who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, taking or attempting to lease or to take orders for the sale of goods, wares, merchandise, or services, or taking or attempting to take contributions for any purpose, including, without limiting, the selling, distributing, exposing for sale of soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not he is collecting advance payment on such retail sales.

Applicants for a license shall file with the Chief of Police, on a form issued by him, a written application signed under the penalties of perjury, containing the following information:

- a. Name of applicant.
- b. Address of applicant (local and permanent address).
- c. Applicant's height, weight, eye and hair color.
- d. Applicant's Social Security Number.
- e. The length of time for which the right to do business is desired.
- f. A brief description of the nature of the business and goods to be sold.
- g. The name and home office address of the applicant's employer. If self-employed, it shall so state.
- h. A photograph of the applicant which picture shall be submitted by the applicant and be 2" x2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- i. If operating a motor vehicle: The year, make, color, model, motor number, state of registration vehicle's owner and address.
- j. The applicant's fingerprints.

At the time of filing the application, each applicant shall pay a fee to the Town of Grafton as set and periodically amended by the Board of Selectmen. (T.M. 3/21/73, T.M. 5/16/79, T.M. 10/19/09)

Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.

After an investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, a license shall issue. Any applicant shall have the right of appeal to the Board of Selectmen.

Such license when issued shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Chief of Police, by wearing said badge on an outer garment.

Each licensee is required to possess an individual license. The Police Officers of the Town of Grafton shall enforce this By-Law section. No license shall be transferred.

The Chief of Police is hereby vested with jurisdiction over the revoking of licenses.

Each license issued under the provisions of this By-Law section shall continue in force for one year from the date of its issue unless sooner revoked.

An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

Any person violating any provisions of this By-Law section shall, upon conviction thereof, be punished by a fine not to exceed Fifty Dollars (\$50.00) for each and every offense. (T.M. 3/21/73, T.M. 5/16/79)

### **Alcoholic Beverages**

**SECTION 20A.** No person shall consume any alcoholic beverage or have in possession any opened container of any alcoholic beverage or container whose seals have been broken and recapped of such beverages upon any place or building or private land or place in the Town of Grafton to which members of the public have access as invitees or licenses without the permission of the owner or person in control thereof. The burden of proving such consent shall be upon the defendant.

**SECTION 20B.** No person shall keep, use, consume or have in his possession any alcoholic beverage or any open container of alcoholic beverage or containers whose seals have been broken and recapped on such beverages as defined in Section (a) and in any public park or playground in the Town of Grafton and within one hundred (100) feet thereof except as may be provided in Section (a).

**SECTION 20C.** All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons so arrested or summoned before the Court at which time they shall be disposed of as directed by the Court. A Police Officer witnessing a violation of this By-Law shall have the right to arrest such person or persons without a warrant and shall bring the person or persons so arrested before the Court within twenty-four hours, Sundays and holidays excepted.

The penalty for violation of this By-Law shall not exceed Fifty Dollars (\$50.00) for each offense. (T.M. 6/3/81)

### **Regulating Parking Areas For The Vehicles Of Disabled Veterans or Handicapped Persons**

**SECTION 21-1.** Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by section two of chapter ninety of the Massachusetts General Laws or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 and as amended be provided in public and private off-street parking areas.

- a. Any Town body or person that has lawful control of a public or private way or of improved 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, to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of Chapter 90, or special parking identifications plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.

- b. Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed At Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

**SECTION 21-2.** This By-Law shall prohibit or regulate the leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Section 1 or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

The penalty for violation of this By-Law shall be one hundred dollars and for each subsequent offense, the vehicle may be removed according to the provisions of Section One Hundred and Twenty D of chapter Two Hundred and Sixty-Six of the Massachusetts General Laws. (T.M. 10/15/01)

**SECTION 21-3.** The Town acting under the Massachusetts General Laws further regulates the parking of vehicles on ways within its said control by restricting certain areas thereon for the parking of any vehicle owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety of the Massachusetts General Laws, or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 or by prohibiting the parking or standing of any vehicles in such a manner as to obstruct any curb ramp designated for use by handicapped persons.

**SECTION 21-4.** Inasmuch as the Town has accepted Chapter 644 of the Acts of 1981 as herein provided, the Board of Selectmen on recommendation of the Traffic Safety Committee is empowered to establish traffic regulations, and may adopt, amend, alter or repeal rules and regulations, with such limitations, if any, as may be deemed proper, authorizing the chief of police of the Town or such sergeants or other officers of higher rank in the police department as he may from time to time designate, to remove, to some convenient place through the agency of a person or persons in the employ of the police department or by an independent contractor selected in accordance with the General Laws and this By-Law, on the basis of competitive bids, any vehicle parked or standing on any part of any way under the control of the Town in such a manner as to obstruct any curb ramp designated for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the Massachusetts General Laws, or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 or to impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation which prohibits the parking or standing of all vehicles in such ways or portions thereof at such time and recites that whoever violates it shall be liable to charges for the removal and storage of the vehicles as well as subject to punishment by fine as provided in Section 2 herefore. (T.M. 5/2/83)

#### **Work Within a Public Street**

**SECTION 22.** No work shall take place within a public street right of way except in accordance with all applicable permits. A Road Opening Permit shall be required for any excavation or alteration of an existing public street, regardless of whether such work is proposed to be temporary or permanent. A Road Opening Permit shall be required for any street proposed to intersect or access an existing street, pursuant to Grafton Zoning Bylaw. (T.M. 5/13/98; T.M. 10/20/08)

**SECTION 23.** The Board of Selectmen is authorized to create such one-way roads or streets as the Board deems appropriate on any public way in the Town of Grafton. No person shall operate a motor vehicle in the wrong direction on any public way designated as a one-way street in the Town of Grafton. (T.M. 5/14/2012)

**SECTION 24.** At the discretion of the Board of Selectmen, the Town may offer a reward for information leading to the prosecution and conviction of any person who destroys or defaces any public property owned by the Town. (T.M. 10/15/2012)



### **Fingerprint Based Criminal Record Background Checks**

**SECTION 25:** The Police Department may conduct State and Federal Fingerprint Based Criminal History check for individuals applying for certain licenses including those engaged in the business of Hawker and Peddler, Manager of Alcoholic Beverage License, Door to Door Salesperson, Owner or Operator of Public Conveyance (Taxi or Livery Service), Dealer of Second Hand Articles and Ice Cream Truck Vendor.

An applicant, seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee set by the Board of Selectmen.

Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB). In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of [or is under pending indictment for] a crime, which bears upon his/her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or threat of force, controlled substances or was a sex-related offense.

A record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact CHSB for a state record or the FBI for records from other jurisdictions maintained in its file.

The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purpose of conducting state and national criminal history records checks of persons applying for certain licensures within the Town. Any person applying for a license for the following activities within the Town is required to submit with the application a full set of fingerprints taken by the Grafton Police Department within 3 months prior to the date of application:

- Manager of Alcoholic Beverage License
- Hawker and Peddler
- Door to Door Salesperson
- Owner or Operator of Public Conveyance (Taxi or Livery Service)
- Dealer of Second Hand Articles
- Ice Cream Truck Vendor

A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority, pursuant to paragraph (a) of this section, may request and receive a copy of his criminal history records from the Police Department. Should the license applicant seek to amend or correct his record, he must contact the CHSB, or its successor, for a state record or the FBI for records from other jurisdictions maintained in its file.

The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be set by the Board of Selectmen. A portion of the fee, as specified in Chapter 172B of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as

determined by the licensing authority, due to information obtained pursuant to this by-law.  
(05/13/2013)