

**TOWN OF CHARLTON
BY-LAW APPROVAL**

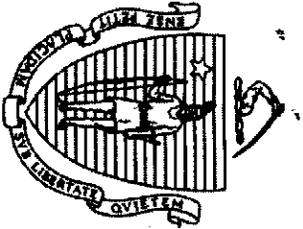
TOWN BULLETIN

**BY-LAWS VOTED AT
May 20, 2013
ANNUAL TOWN MEETING**

**WARRANT ARTICLE
19,20,22,23 and 27**

**POSTED August 14, 2013
By
Darlene L. Tully
Town Clerk**

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MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
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August 14, 2013

Darlene Tully
Charlton Town Clerk
3 Main Street
Charlton, MA 01507

**RE: Charlton Annual Town Meeting of May 20, 2013 - Case # 6777
Warrant Articles # 22, 23 and 27 (Zoning)
Warrant Articles # 19 and 20 (General)**

Dear Ms. Tully:

Articles 19, 20, 22, 23 and 27 - We approve the amendments to the Town's by-laws adopted under Articles 19, 20, 22, 23 and 27, and the maps adopted under Articles 23 and 27, on the warrant for the Charlton Annual Town Meeting that convened on May 20, 2013. We will return the approved maps to you by regular mail. Our comments regarding Articles 19, 20 and 22 are provided in more detail below.

Article 19 - The amendments adopted under Article 20 amend Article XXIII of the Town's general by-laws pertaining to Animal Control. Section 3, "Prohibitions," pertaining to penalties for prolonged chaining or tethering of a dog, quotes from G.L. c. 140, § 174E, as follows:

Any person who violates same 'shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine of not more than \$100 and for a third or subsequent offense, be punished by a fine of not more than \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.'

In accordance with G.L. c. 40, § 21, the Town's by-laws can only be enforced through a fine. The Town has no authority to impound a dog or revoke the ownership of a dog based upon a by-law violation. Those penalties are only available for a violation of G.L. c. 140, § 174E. Therefore, in order for the Town to impound a dog and/or revoke ownership of a dog for a violation, the enforcing officer must determine that the dog-owner has violated G.L. c. 140, § 174E. We suggest the Town consult with Town Counsel on these issues.

Article 20 - The amendments adopted under Article 19 amend Article XXXV of the Town's general by-laws to add a new section 6, "Pawn Brokers" that provides in relevant part as

follows:

The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in the town of Charlton, may condition, deny, revise and revoke such licenses, all as provided by Mass. General Laws Chapter 140, Sections 70 to 85, and may make such rules and regulations of general application to carry out the purposes of this bylaw. Any such rule or regulation shall take effect upon its being filed with the office of the Town Clerk....

We approve this text. However, the Board of Selectmen do not have the power to adopt rules and regulations which are inconsistent with state law. "A town may not promulgate a regulation that is inconsistent with State law." American Lithuanian Naturalization Club v. Board of Health of Athol, 446 Mass. 310, 321 (2006). We suggest that the Town discuss with Town Counsel any proposed rules and regulations to ensure they comply with state law.

Article 22 - The amendments adopted under Article 22 amend Section 5.6, Signs, of the Town's zoning by-law. In approving the amended sign by-law, we first summarize the applicable law regarding municipal regulation of signs and then analyze the Section 5.6 of the Town's by-law as it relates to the applicable law.

I. Applicable Law.

In Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981), the Supreme Court considered the constitutionality of a municipal sign ordinance. In doing so, the Court articulated three constitutional principles, which continue to provide the starting point for analyzing a municipality's regulation of signs.

First, a municipality may legitimately choose to prefer onsite commercial messages to offsite commercial messages. In reviewing San Diego's sign ordinance, a majority of the Court held that "San Diego has obviously chosen to value one kind of commercial speech – onsite advertising – more than another kind of commercial speech – offsite advertising. . . . We do not reject that judgment. . . . [O]ffsite commercial billboards may be prohibited while onsite commercial billboards are permitted." Id. at 512. Note, however, that it may be impermissible to regulate differently onsite and offsite *noncommercial* speech. See Ackerley Comm. of Mass., Inc. v. City of Cambridge, 88 F.3d 33, 37 (1st Cir. 1996) (striking down ordinance that impermissibly drew "a line between two types of *noncommercial* speech – onsite and offsite messages").

Second, wherever signs displaying commercial messages are allowed, identical signs displaying noncommercial messages must also be allowed. "Insofar as the city tolerates billboards at all, it cannot choose to limit their content to commercial messages; the city may not conclude that the communication of commercial information concerning goods and services connected with a particular site is of greater value than the communication of noncommercial messages." Metromedia, 453 U.S. at 513 (plurality opinion). "In other words, if the owner of Joe's Hardware wants to replace his 'Joe's Hardware' sign with a sign saying 'No Nukes,' he

must be allowed to do so.” Ackerley Comm. of Mass., Inc. v. City of Somerville, 878 F.2d 513, 517 (1st Cir. 1989). It is impermissible to regulate noncommercial speech more restrictively than commercial speech. *See Tauber v. Town of Longmeadow*, 695 F. Supp. 1358, 1361 (D. Mass. 1988) (“By favoring commercial speech over noncommercial speech, the Longmeadow bylaws clearly violate the First Amendment of the Constitution.”).

Third, a municipality may not distinguish among different types of noncommercial speech or regulate some types of noncommercial speech more restrictively than other types. “Although the city may distinguish between the relative value of different categories of commercial speech, the city does not have the same range of choice in the area of noncommercial speech to evaluate the strength of, or distinguish between, various communicative interests. . . . With respect to noncommercial speech, the city may not choose the appropriate subjects for public discourse” Metromedia, 453 U.S. at 514-15 (plurality opinion).

The Town’s sign by-law must be applied in a manner consistent with the federal and state laws applicable to signs.

II. Comments on Specific Provisions of Section 5.6, “Sign Regulations.”

1. Section 5.6.4, “Sign Permits and Fees”.

Section 5.6.4 authorizes the Board of Selectmen to set sign permit fees. Although a municipality may impose fees, it “has no independent power of taxation.” Silva v. City of Attleboro, 454 Mass. 165, 169 (2009). In distinguishing valid fees from impermissible taxes, the Supreme Judicial Court has noted that fees tend to share the following common traits: (1) fees, unlike taxes, are charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society; (2) user fees (although not necessarily regulatory fees) are paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge; and (3) fees are collected not to raise revenues but to compensate the governmental entity providing the services for its expenses. *See Silva*, 454 Mass. at 168 (citing Emerson College v. City of Boston, 391 Mass. 415, 424-25 (1984)). The Town may wish to consult with Town Counsel to ensure that the fees charged under Section 5.6.4 constitute valid fees rather than impermissible taxes.

2. Section 5.6.5, “Prohibited Signs”.

Section 5.6.5 (h) prohibits billboards in all zoning districts in Town. The Town must apply this section in a manner consistent with G.L. c. 93, §§ 29-33 and the regulations promulgated by the Office of Outdoor Advertising (“OOA”) at 700 C.M.R. 3.00 *et seq.*

The power to regulate billboards was granted to the Outdoor Advertising Board (“OAB”) pursuant to G.L. c. 93, §§ 29-33. However, the OAB’s powers are exercised by the Office of Outdoor Advertising (“OOA”) within the Massachusetts Department of Transportation. *See* Chapter 25 of the Acts of 2009 (creating the Massachusetts Department of Transportation).

General Laws Chapter 93, Section 29, authorizes the State to “make, amend or repeal rules and regulations for the proper control and restriction of billboards, signs and other advertising devices . . . on public ways or on private property within public view of any highway, public park or reservation.” In addition, Section 29 establishes that billboards may be licensed by the OOA through the issuance of permits; however, no permit shall issue unless written notice of an application is given at least thirty days earlier to the city or town in which the proposed billboard, sign or other advertising device is to be located.

General Laws Chapter 93, Section 29, also grants to cities and towns the power to regulate billboards, in addition to the regulation by the OOA, as follows (emphasis supplied):

Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law, *not inconsistent with sections twenty-nine to thirty-three, inclusive, or with said rules and regulations.*

It is not inconsistent with the provisions of G.L. c. 93, §§ 29-33, or the rules and regulations of the OOA, for a town to regulate billboards in the town, even to the extent of a complete ban on billboards such as the Town of Chariton has adopted. *See John Donnelly & Sons, Inc. v. Outdoor Advertising Board*, 369 Mass. 206, 215 (1975) (town by-law which had effect of prohibiting off-premises signs, was consistent with G.L. c. 93, §§ 29-33, which explicitly provides for local regulation of billboards). Therefore the Town does have the power to adopt a ban on billboards. However, the prohibition in Section 5.6.5 (h) must be applied in a manner consistent with G.L. c. 93, §§ 29-33, and the rules and regulations of the OOA. We strongly suggest that the Town consult with Town Counsel before applying Section 5.6.5 (h).

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL



Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418
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cc: Town Counsel James F. Cosgrove



form x
Sub # 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 30, 2013 the following
business was transacted under Article 19.

ARTICLE 19. AMENDMENT TO CHARLTON GENERAL BYLAWS - ARTICLE XXIII:
DOG RESTRAINT AND REGULATION BYLAW AND ARTICLE
XXXIV; NONCRIMINAL DISPOSITION ENFORCEMENT
PROCEDURE; ACCEPTANCE OF MGL C. 140, SEC. 139 (c)

To see if the Town will vote:

A. To amend Article XXIII - Dog Restraint and Regulation Bylaw and Article XXXIV - Non criminal
Disposition Enforcement Procedure of the Charlton General Bylaws for purposes of amending the
Sections listed below to read as follows [the text shown in lined-through font presently appearing in the
Bylaw but to be omitted from the Bylaw as so amended, and (except as to headings, which already
appear in the Bylaw in bold font and shall continue to do so) the text shown in bold font to be added but
printed in the Bylaws in regular font], or take any action relative thereto or thereon:

Article XXIII ~~Dog Restraint and Regulation Bylaw~~
Town of Charlton Animal Control Bylaw

Authority and Purpose

This Bylaw is adopted pursuant to the authority of Mass. Gen. Laws Chapter 140, Sections 136A to
137A, Inclusive, Section 173, and any other relevant statutes and regulations promulgated
pursuant thereto. The purpose of this Bylaw is to establish regulations for the keeping of dogs and
cats in the Town of Charlton in a manner consistent with such statutes. All references in this
Bylaw to any statute shall mean such statute as such may be amended from time to time and any
successor statute to same. Nothing in this Bylaw is intended to, nor shall, preclude or limit any
enforcement officer or agent, nor any town board or official, from utilizing any procedure or
exercising any right provided by any such statute. This Bylaw does not purport to set forth or
reference all such statutes, and anyone reading the Bylaw is also bound by all applicable statutes
and should consult same, including but not limited to: Mass. Gen. Laws Chapter 140, Sections
136A, 137A-D, 138, 139, 139A, 140, 141, 141A-B, 145, 145A-B, 146, 147, 147A, 148-151, 151A-B,
152, 153, 155, 155A, 156-161, 161A, 163-169, 171, 173, 173A, 174, 174A-B, 174D-E and 176; Chapter
209A, Section 11; Chapter 272, Section 77; and Chapter 129, Section 39G.

Section 1. Licenses and tags:



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 30, 2013 the following
business was transacted under Article 19.

~~The owner or keeper of a dog six (6) months old or over shall purchase a license from the Town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk. No license fee shall be charged for a dog certified to serve a blind person or a deaf person, provided the dog is actually in the service of a blind or deaf person.~~

~~New residents bringing dogs six (6) months old or older into the Town of Charlton shall purchase a license from the Town Clerk within sixty (60) days.~~

~~Any person residing in the Town of Charlton, who at the beginning of the license period (January 1st to December 31st) is, or who during the license period becomes, the owner or keeper of a dog six (6) months old or over, shall cause the dog to be licensed within thirty (30) days.~~

~~Any owner or keeper of a dog who moves into the Town of Charlton and has a valid dog license for his/her dog from another city or town in the Commonwealth, shall within 30 days obtain a transfer license and a tag for such dog in accordance with G.L. c. 140, 146 for a fee of one dollar (\$1.00) upon producing evidence of the previous license.~~

~~Per G.L. c. 140, sec. 137(a) and sec. 137A, the above licensing provisions shall not apply to any dog or cat housed in a research institution or kept under a valid kennel license.~~

~~The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:~~

Male	\$20.00
Female	\$20.00
Senior Citizen (65 and over)	\$17.00
Neutered Male	\$10.00
Spayed Female	\$10.00
Senior Citizen (65 and over)	\$8.00
Substitute Tag	\$1.00
Transfer License	\$1.00

~~Per Mass. Gen. Laws Chapter 140, Section 139 (c), no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.~~



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20, 2013 the following
business was transacted under Article 19.

Any person seventy (70) years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per year. The owner of a kennel license, age seventy (70) years of age or older, shall be excluded from this exemption. These exemptions shall take effect upon the Town's acceptance of the provision of Mass. Gen. Laws Chapter 140, Section 139 (c) reading as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision." All other fees and fines as otherwise provided for in the Animal Control Bylaws or MA General Laws will apply.

When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by Massachusetts General Laws, Chapter 140, Sections 137 and 145B or must provide certification per said statutes that such animal is exempt from this requirement.

The fee for each kennel license fee shall be as follows:

Four dogs or less	\$35.00
Kennel with Ten 5-10 dogs or less	\$75.00
Kennel with Twenty-five 11-25 dogs or less	\$100.00
Kennel with 26 or more dogs	\$200

Per Mass. General Laws Chapter 140, Sec. 137A (b) to determine the amount of the license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. Per Mass. General Laws Chapter 140, Sec. 137A (c) there shall be no kennel fee charged a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering. And per Mass. General Laws Chapter 140, Section 137C any person maintaining a kennel after the license to maintain a kennel has been so revoked, or while such a license is suspended, shall be punished by a fine of \$250.

Per Mass. General Laws Chapter 140, Sec. 139(c) No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.

Should a Any owner or keeper of a dog failing to license it before March 1st, shall pay a late fee of ten dollars (\$10.00) per dog will be charged. Any person required to obtain a kennel license (or any person eligible and electing to do so in lieu of a dog license or licenses) who fails to obtain same before March 1st shall pay a late fee of \$50.00.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 19.

In accordance with Mass. General Laws Chapter 140, Section 141, any person failing to license a dog as prescribed by this section or otherwise violating Sections 137, 137A, 137B or 138 of said Chapter shall be assessed a penalty of \$50 per dog.

~~Any person maintaining a kennel in the Town of Charlton who fails to license, as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of twenty dollars (\$20.00).~~

Section 2. Definition of Terms:

To the extent that M.G.L. c.140, §§136A to 137A contain definitions of words used herein all words and terms as used herein shall be as set forth in said statutes.

Unless otherwise defined by such statutes, the terms as used in this order Bylaw shall mean the following unless the context otherwise indicates.

- (1) "DOG" means: Any domestic animal of the canine species, both male and female.
- (2) "CAT" means: Any domestic animal of the feline species, both male and female.
- (2) (3) "OWNER" means: Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.
- (3) (4) "~~PUBLIC NUISANCE~~" means: ~~Any dog which by excessive barking, howling, running at large or in any other manner disturbs the quiet of the public.~~ "Nuisance dog", as defined in General Laws Chapter 140, Section 136A, shall mean a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
- (4) (5) "RUN-AT-LARGE" means: Any dog ~~free of restraint~~ which is permitted to wander on private property of others or on public ways ~~at will~~, without proper restraint.
- (5) (6) "RESTRAINT" means: The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being deemed a public-nuisance dog.
- (7) "KENNEL" is used as that term is defined in Mass. General Laws Chapter 140, Section 136A. See that statute for definitions of various types of kennels.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 30, 2013 the following
business was transacted under Article 19.

Section 3. Prohibitions:

No owner or keeper shall violate any provision of this Bylaw, nor permit any dog whether licensed or unlicensed to become a "public-nuisance dog" or to run-at-large within the Town of Charlton any time day or night.

No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours.

Owner/Keeper must abide by all other requirements and prohibitions as to restraint, access to clean water and appropriate shelter and other matters addressed in Mass. General Laws Chapter 140 Section 174E. As specified in Section 174E, any person who violates same "shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine of not more than \$100 and for a third or subsequent offense, be punished by a fine of not more than \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog."

Section 4. Field Trials:

No person shall conduct a Field Trial involving dogs in the Town of Charlton without first procuring a permit thereof from the Animal Control Officer. Any such permit shall contain such limitations, as the Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

Section 5. Penalty:

Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule, unless the fine for a violation is otherwise established by state law:

First Offense	\$25.00
Second Offense	\$35.00
Third Offense	\$50.00
Fourth Offense	\$75.00
Fifth and each subsequent offense (within a calendar year)	\$100.00

Failure to vaccinate for rabies	\$25.00
Failure to obtain dog license	\$50.00 per dog



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 19.

Section 6. Enforcement:

It shall be the duty of the Animal Control Officer to investigate complaints and enforce the provisions of this Bylaw and to that end he/she shall have the authority to seek complaints in the District Court for violations thereof. He/She shall also attend to all matters pertaining to stray or public-nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Animal Control Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law. The Animal Control Officer, such Officer's designee, the Police Chief and any Charlton Police Officer shall have authority to enforce the provisions of this article. Any alleged violation of this bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L. c.40, §21D.

Section 7. Procedure Following Impoundment:

The Animal Control Officer shall immediately notify the owner or keeper of any dog or cat impounded by him- under the provisions of the By-law if such owner or keeper is known by him or her. If such owner or keeper is not known by him or her, no notice shall be necessary.

Section 8. Notice to Owner and Redemption:

The owner may then reclaim the dog or cat by reimbursing the Animal Control Officer for expenses, fines and fees, and for boarding and care of maintaining the impounded dog or cat per Mass. Gen. Laws Chapter 151A(a). ~~In any event,~~ The boarding and care/maintenance cost shall ~~not exceed~~ be ten dollars (\$10.00) for each twenty-four (24) hour period or any part thereof, plus thirty dollars (\$30.00) as an initial pickup fee. However, as required by state law/Mass. Gen. Laws Chapter 140, Sections 137 and 145B, each dog six (6) months old or older must have been vaccinated for rabies and licensed and each cat six (6) months old or older must have been vaccinated for rabies before the Animal Control Officer may release it to its owner absent certification per said statutes that such animal is exempt.

Section 9. Disposition of Unclaimed Dogs and Cats:

Any dog which has been impounded and has not been redeemed by the owner within ~~ten (10)~~ seven (7) days shall be disposed of as provided by Massachusetts General Laws, Chapter 140, Section 151A, and any amendment thereto. Any unclaimed dog or cat adopted from the Charlton Animal Control Officer shall be spayed or neutered and vaccinated for rabies at the owner's expense absent certification per Mass. Gen. Laws Chapter 140, Sections 137 and 145B that such animal is exempt. The adoption fee for all unclaimed dogs or cats regardless of sex, breed, or age shall be twenty dollars (\$20.00).



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2015 the following business was transacted under Article 19.

Section 10. Collection of Fines and Fees:

All fines and fees collected by the Animal Control Officer while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event the Animal Control Officer will not accept cash, unless bonded to do so.

Section 11. Disposition of Collected Fines and Fees:

All fines and fees collected by the Animal Control Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 12. Non-Waiver of Statutory Remedies:

The provisions of Bylaw are intended to be in addition to and not in lieu of those contained in M.G.L. c.140, §§136A, et seq., as amended by Chapter 193 of Legislative Acts of 2012 and as such may later be further amended. Nothing contained in this Bylaw shall deprive the Town or any enforcement officer from exercising its or their rights and employing the remedies provided in those sections, including but not limited to disposition of a dog found to be a dangerous dog or nuisance dog, as provided in §157 of c.140 as so amended.

B. To accept the local option provision of Mass. General Laws Chapter 140, Section 139 (c) reading as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision."; and

C. To amend ARTICLE XXXXIV: NONCRIMINAL DISPOSITION ENFORCEMENT PROCEDURE of the Charlton General Bylaws by deleting the present Section 6 thereof and substituting in lieu thereof the following:

6. Article XXIII Town of Charlton Animal Control Bylaw:

Enforcing persons: Animal Control Officer, such Officer's designee, the Police Chief and/or Charlton Police Officer

Fine schedule: The specific penalties set forth in various sections of said Animal Control Bylaw as same may be amended from time to time, and any such as may be established by applicable Mass. General Laws.

or take any action relative thereto or thereon.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held Monday 10/20/13 the following
business was transacted under Article 19.

SPONSOR: ANIMAL CONTROL OFFICER
Motion and second that Article 19 be accepted as printed.
Board of Selectmen and By-Law Committee support this motion. Majority vote needed.
Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Form 2
Sub. 42

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 20.

ARTICLE 20. AMENDMENTS TO CHARLTON GENERAL BYLAWS ARTICLE XXXV: JUNK, OLD METALS AND SECOND HAND ARTICLE, TO ADD PROVISIONS REGULATING PAWN SHOPS, SET FEES AND FINES, ETC.; AND ARTICLE XXXIV: NONCRIMINAL DISPOSITION ENFORCEMENT PROCEDURE

To see if the Town will vote:

A. To amend the Town of Charlton General Bylaws, Article XXXV by:

1. Adding at the present end of the Article title the words, "AND PAWN SHOPS";
2. In Section 5, first sentence, by inserting immediately before the words, without a license" the words "or a pawn shop", and deleting at the end of that sentence the words "penalty of twenty dollars" and substituting therefor the words "the following penalties: \$100 for the first offense; \$200 for the second offense; and \$300 for the third and any subsequent offense";
3. By adding at the end of said Bylaw a new Section 6 reading as follows:

"Section 6: Pawn Brokers

The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in the town of Charlton, may condition, deny, revise and revoke such licenses, all as provided by Mass. General Laws Chapter 140, Sections 70 to 85, and may make rules and regulations of general application to carry out the purposes of this bylaw. Any such rule or regulation shall take effect upon its being filed with the office of the Town Clerk. The Board of Selectmen may also impose conditions and restrictions upon a particular license or licenses. The fee for any such license shall be \$100, or such higher amount as the Board may establish by regulation if Mass. Gen. Laws Chapter 140, Section 77 is amended to so permit. Any such licensee, as required by said Section 77, shall at the time of receiving such license file with the Board of Selectmen a bond to the town in the sum of \$300.00 (or such higher, maximum, allowable amount if said Section 77 is amended to require or allow for same), with two sureties approved by the Board or its designee, conditioned upon the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed."



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 30.

4. By further adding at the end of said Bylaw a new Section 7, reading as follows:

"Any violation of this Article XXXV or of any rule or regulation adopted hereunder may be enforced by the Chief of Police or by any police officer of the Town of Charlton by any means available, including without limitation under the provisions of Mass. General Laws Chapter 40, Section 21 or through the noncriminal disposition procedure under Mass. General Laws Chapter 40, Section 21D and Article XXXIV of the Charlton General Bylaws.

If any provision of this Bylaw is held invalid by any court or other body of competent jurisdiction, such shall not affect the validity or application of the remainder of the article."

and
B. To amend Section 2 of ARTICLE XXXIV: NONCRIMINAL DISPOSITION ENFORCEMENT PROCEDURE of the Charlton General Bylaws by deleting the present numbered subsection or numbered item 9 and substituting therefor the following:

- "9. Article XXXV Town of Charlton Junk, Old Metal, Second Hand Articles and Pawn Shops Bylaw:
- Enforcing persons: Board of Selectmen or its designee; Police Chief and and/or any Charlton Police Officer
- Fine schedule: The fines specified in the Junk, Old Metal, Second Hand Articles and Pawn Shops Bylaw as same may be amended from time to time."

or take any action relative thereto or thereon.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20 2013 the following
business was transacted under Article 20.

SPONSOR: CHIEF OF POLICE

Motion and second that Article 20 be accepted as printed.

Board of Selectmen and By-Law Committee support this motion. Majority vote needed.

Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal

Form 24
Sub # 2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20, 2013 the following
business was transacted under Article 22.

ARTICLE 22. ZONING BY-LAW: SIGNAGE ZONING BY-LAW REVISION

To see if the Town will vote to amend the Charlton Zoning By-Law by revising Section 5.6 - Signs as follows (Note: Revised language to Section 5.6-Signs is highlighted in bold), or take any action relative thereto or thereon.

5.6 Sign Regulations

5.6.1 Purpose

It is the purpose of Section 5.6 to protect the public health, safety, convenience and general welfare of the residents of the Town of Charlton by regulating signs that:

- obstruct traffic visibility and cause traffic hazards;
- pose a danger through disrepair and threat of collapse;
- decrease property values due to incompatibility with the property that surrounds it;
- protect the architecture, character and appearance of the various neighborhoods in the Town;
- minimize lighting impacts from signs;
- disrupt the aesthetic environment of the Town of Charlton;
- enable the fair and consistent enforcement of these sign regulations; and
- protect and improve the public health, safety, convenience and general welfare.

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and other public places, and adjacent private places open to the public. The unregulated construction, placement and display of signs constitute a public nuisance detrimental to the public health, safety, convenience and welfare of the residents of the Town.

5.6.2 Definitions

Sign: A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a structure or area.

Advertising blimp: An advertising blimp is an inflatable sign that by way of gas or other manner is caused to float above the structure it is attached to. Further, such inflatable sign is capable of moving from place to place and is not permanently affixed to the ground or structure.



pg. 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
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Advertising device: Any non-verbal device designed for advertising purposes, such as
balloon signs, caricatures, animals, food items, etc.

Electronic message center – Changeable Electronic Variable Message Signs (CEVMS): A
sign on which the characters, letters or illustrations can be changed automatically or
through electronic or mechanical means. CEVMS exclude time and temperature signs.

Marquee: Any permanent roof-like structure projecting beyond a building or extending
along and projecting from the wall of a building.

Sign, abandoned: A sign which identifies or provides information pertaining to a business,
lessor, lessee, service, owner, product or activity, which no longer exists at the premises
where the sign is located, or for which no legal owner can be found.

Sign, accessory: A sign which provides information pertaining to, but does not specifically
identify a business, product or activity; such as "OPEN", "CLOSED" "ATM", phone
number, website, e-mail etc.

Sign, attached: A sign permanently erected or affixed to a building.

Sign, canopy: A sign on or attached to a permanent overhanging shelter that projects from
the face of a building and is supported only partially by the building.

Sign, changeable copy: A sign on which the characters, letters, illustrations can be manually
or electronically changed without altering the face or surface of the structure.

Sign, construction: A sign identifying an architect, builder, contractor, subcontractor,
material supplier, financing entity or others participating in the design, construction or
alteration of the premises on which the sign is located.

Sign, directional or traffic safety: A sign identifying entrances, exits, parking areas or other
operational features of premises and the provision of directions for safe use of the same.

Sign, freestanding: A sign not supported by a wall or screening surface.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 22.

Sign, ground: Any sign having as supports, wood or metal columns, pipes, angle iron framing, masonry, plastic or any combination of these materials, unattached to any building or other structure. This includes single pole pylon type signs.

Sign, illuminated: A sign lighted or exposed to artificial light either by lights on or in the sign or directed toward the sign, including direct/external lighting, indirect lighting, illumination, flashing or intermittent lighting.

Sign, marquee: A sign on or attached to a permanent overhanging shelter that projects from the face of a building and is supported entirely by the building.

Sign, nonconforming: A sign lawfully existing before the adoption of this Ordinance which does not now conform to the regulations of the Ordinance.

Sign, off premises: A sign whose subject matter relates to products, accommodations, services or activities not exclusively located on the same premises as that sign and including billboards.

Sign, on-premises: A sign which advertises activities, goods, products, etc., that are available within the building or on the lot where the sign is located.

Sign, political: A sign which pertain to the elective process or which constitute political speech.

Sign, projecting: A sign which extends from the wall of a building.

Sign, public service information: A sign which exclusively promotes an activity or event of general interest to the community and which contains no advertising features.

Sign, real estate: A sign which is used for the sale, lease or rental of real property.

Sign, standing: Any sign maintained on structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.



pg. 4

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 22.

5.6.3 General Regulations

1. These regulations shall apply to all signs and their supporting devices erected within the Town of Charlton.
2. Lighting of a sign may only be by a white light of reasonable intensity shielded and directed solely at the sign. Internally illuminated signs are permitted on lots zoned for business and industrial uses directly abutting Routes 20 or 169.
3. No sign shall be erected or maintained that obstructs or interferes with the free and clear vision of or from any street or driveway, or obstructs or simulates official directional or warning signs erected or maintained by a governmental entity.
4. Every standing sign shall be located a minimum of three (3) feet from any property line.
5. No sign shall be erected or maintained in any street right of way, on utility poles or trees.
6. No roof signs shall be erected nor shall any sign project above the peak of a roof. No sign attached to a building shall project more than twelve (12) inches from the edge of the building, except for awning signs. No sign shall exceed the maximum height set forth in Section 5.6.6.
7. Temporary signs are permitted in all districts with a sign permit from the Building Inspector as set forth in Section 5.6.6. Temporary signs must be firmly attached to a supporting device and present no undue hazard to the public. See Section 5.6.6 for the maximum size of various types of temporary signs. Such signs are allowed for up to sixty (60) days. Temporary signs may be attached or lettered on the interior of the window. Such signs shall not be included in the aggregate sign area. The aggregate area of all signs in any window, either permanent or temporary, shall not exceed thirty (30) percent of the area of such window. An applicant may obtain a permit for a temporary sign only twice in a twelve month period. Temporary signs shall be removed within five (5) days after the reason for the sign has ended or on the day the permit expires, whichever is sooner.

8. Pennants are prohibited in all zoning districts, except that they may be used one time only for grand openings for 30 days or less with a permit from the Building Inspector.

9. For signs in the Village District, also see Section 5.17.6.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held Nov 20, 2013 the following business was transacted under Article 22.

5.6.4 Sign Permits and Fees

Sign permits shall be obtained on forms provided by the Building Inspector. Board of Selectmen has the authority to set fees from time to time.

5.6.5 Prohibited Signs

- a. Any sign which may be confused with or construed as a public safety device or sign or traffic or emergency light because of its color, shape or design.
- b. Any sign which incorporates moving, flashing, undulating, swinging, rotating or the electronic, visual representation of motion or animation by intermittent or variable illumination, except for the following:
- c. Balloon signs, including advertising blimps.
- d. Portable signs mounted on wheeled trailers or framed structures, or trailers with the wheels removed.
- e. Signs constructed, mounted or maintained upon the roof of any building.
- f. Off-premises signs.
- g. Exposed neon signs.
- h. Billboards.
- i. Signs emitting sound, except drive-through menu signs.
- j. Signs placed upon unregistered vehicles. No commercial or industrial sign shall be erected on, or attached to any vehicle except for signs applied directly to the surface of the vehicle. The primary use of such vehicle shall be in the operation of a business and not in advertising or identifying the business premise. The vehicle shall not be parked in a public right of way for the purposes of advertising.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 22.

k. No sign shall contain any moving, flashing, or animated lights or visible moving parts. Wind-driven, whirling, or spinning signs, or signs with so-called "whirligigs" are prohibited. Indicators of time and temperature are permitted on non-residentially zoned lots directly abutting Routes 20 or 169. Such signs shall be located no further than fifty (50) feet from Routes 20 or 169 and shall comply with all other requirements of this section.

l. Any sign not specifically allowed in this Section 5.6.

m. Exceptions. The following types of illuminated signs may be permitted in accordance with the standards listed herein:

1. Changeable Electronic Variable Message Signs (CEVMS) consisting primarily of scrolling or changing text whereby no more than one line of text scrolls at once, and is displayed for a period of at least four (4) seconds. The transition between each individual message or display shall be accomplished within two (2) seconds and occur without flashing.
 - a. CEVMS shall contain a default mechanism that will freeze the display in a static mode if a malfunction occurs.
 - b. The Town may require that "Amber Alerts", or emergency information messages be displayed on the CEVMS. Upon such notification the sign operator shall display emergency information messages in appropriate sign rotations, and maintain such messages in rotation according to the designated issuing agency protocols.
2. Digital sign displays whereby each image is static with no flashing or motion depicted, and each image is displayed for a period of at least ten (10) seconds. The transition between each individual message or display shall be accomplished within two (2) seconds and occur without flashing.
3. Public service signs such as those that customarily display time or temperature.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 22.

4. Reader boards that display a consistently sized text and are not animated.

Signs which may be permitted under this Section are to be further restricted as follows:

1. Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at twenty five (25) watts or less.
2. Spotlights providing direct illumination to the public and beacons of any type are prohibited.
3. Illumination of attraction devices or signs which fluctuate in light intensity are prohibited.
4. Display surface of projecting signs shall not exceed sixteen (16) square feet, shall be limited to one (1) sign per business and shall not be permitted on property which has a free standing sign, whether or not it is a CEVMS.
5. All illuminated signs shall provide shielding for the source of illumination in order to prevent a direct view of the bulb or other light source from a residence within 100 feet of said illuminated sign or device.

5.6.6. Area of Signs

1. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
2. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.
3. The area of a sign which is other than rectangular in shape shall be determined as the area of



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VOTE CERTIFICATE

TOWN OF CHARLTON

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4. The area of a sign consisting of a three-dimensional object shall be considered the area of the smallest rectangle that can encompass the area of the largest vertical cross-section of that object.
6. Only one side shall be counted in computing the area of a double faced sign. All sides of a sign with more than two sides shall be counted in calculation of sign area.

Section 5.6.7 Permitted signs

ALLOWED SIGNS AND CONDITIONS OF USE

SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMITTED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Accessory sign	P or T	N		10% of the sign face to which it is attached to or nearest to			One on-site accessory sign per business or establishment
Advertising device (excluding balloon signs)	P	Y		Total surface area of advertising device shall count as part of the allowed ground sign area	Maximum height -20 feet with a clearance to ground of 30 inches		One per site



VOTE CERTIFICATE

TOWN OF CHARLTON

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 Charlton, held May 20 2013 the following
 business was transacted under Article 22

SIGN TYPE	PERMANENT OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Awning sign	P	Y		Lettering no larger than 6 inches in height			
Banners or flags	T	N	During hours of operation	Total area not to exceed 12 square feet. Individual banners or flags not to exceed 6 square feet			Not to exceed two banners / flags per business
Canopy sign	P	Y		Maximum size: the smaller of 10% of the facade area associated with the business or 60 square feet Maximum height of 3 feet		Canopy signs shall be treated as wall signs	One sign per canopy



VOTE CERTIFICATE

TOWN OF CHARLTON

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 Charlton, held May 21, 2013 the following
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SIGN TYPE	PERMANENT OR TEMPORARY (T)	PERMITTED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Changeable copy and CEVMS	P	Y		32 square feet The area of a CEVMS shall count towards the overall area of the sign to which it is attached or associated		Sign face of CEVMS cannot change in less than four seconds	One per site
Construction signs (6 s.f. or less)	T	N	During construction and	6 square feet		Signs may contain only the	One per site



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SIGN TYPE	PERMANENT OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Construction signs (over 6 s.f.)	T	Y	up to 7 days after the certificate of occupancy is issued	32 square feet		name of the contractor or subcontractor	One per site
Directional or traffic safety signs.	P	N		2 square feet			
Drive thru menu sign	P	Y		32 square feet	Maximum um height 20 feet with clearance		One per site



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TOWN OF CHARLTON

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SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Ground sign	P	Y		32 square feet	Maximum height of 20 feet with clearance to ground not less than 10 feet	Single or double faced ground signs are authorized in addition to wall and projecting signs. One accessory sign not to exceed 10% of the area of the ground sign may be attached to the main sign	One per site
Government signs	T and P	N					
Historic or commemorative	P	N		6 square feet			
Home marker	P	N		2 square feet			One per business



VOTE CERTIFICATE

TOWN OF CHARLTON

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 Charlton, held May 20, 2013 the following
 business was transacted under Article 22

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SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Ladder sign	P	Y		32 square feet	Maximum Height 20 feet with a clearance to ground of 30 inches		One per site. Shall be considered the ground sign for the property.
Marquee sign	P	Y		Subject to wall sign restrictions			
Political signs						Not subject to regulation	
Projecting sign	P	Y		8 square feet	Minimum of 10 feet clearance from ground to the bottom of the sign.	Cannot extend within 24 inches of the curb line	One per business



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
 Charlton, held May 20 2013 the following
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SIGN TYPE	PERMANENT OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Public service information sign	T	N	30 days	6 square feet		Signs may be located on premises other than those of the sponsoring entity	
Real estate sign on-premise and open house signs	T	N	The period while the property is being offered for sale or rent; during the hours of the open house	6 square feet		Allowed in right-of-way for duration of open house	One per each property offered for sale or rent; up to three open house signs are permitted
Regulatory or safety sign	P	N		6 square feet			
Residential decorative sign	P	N		2 square feet			One per residence



VOTE CERTIFICATE

TOWN OF CHARLTON

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 Charlton, held May 20 2013 the following
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SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMITTED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Residential complex or subdivision identification sign	P	Y		24 square feet	Not more than 8 feet in height and not less than 30 inches from the ground	Sign shall include only the name of the subdivision or complex and shall be prohibited from containing the name of the developer, owner or property management co.	One per subdivision or complex
Sandwich board sign	T	N	During hours of operation	6 square feet	4 feet in height	No associated lighting	One per business
Special purpose sign	P	N		2 square feet			



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
 Charlton, held May 22 2013 the following
 business was transacted under Article 22.

SIGN TYPE	PERMANENT OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Standing sign	P	Y		32 square feet; multi-tenant signs may go up to 90 square feet and one standing sign may be erected at each roadway intersection located wholly within the property.	Up to 20 feet in the CB District and 36 feet in the IG and BEP Districts	Area may be increased to 50 square feet with a Special Permit pursuant to Section 5.6.10	One per business
				Such standing sign shall not exceed 16 sq. ft. in area.			



VOTE CERTIFICATE

TOWN OF CHARLTON

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 Charlton, held May 20, 2013 the following
 business was transacted under Article 22

SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Subdivision lot plan sign	T	Y	During the sale of subdivision on lots. Must be removed 7 days after last lot is sold	32 square feet	Maximum height of 15 feet with clearance to ground of 30 inches	For projecting signs the clearance to ground is at least 8 feet	One per subdivision
Time and temperature sign	P	Y		Counts as part of the sign area for the projecting ground sign to which it is attached	For ground signs the maximum height is 20 feet with a clearance to ground of 30 inches		One per site



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
 Charlton, held May 27, 2013 the following
 business was transacted under Article 22.

SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Wall sign	P	Y		Maximum size is the lesser of 10% of the facade associated with the business being advertised or 60 square feet, whichever is smaller		Any business that has no street frontage may have one sign facing the parking area	One wall sign per business established in the structure; in addition, one secondary wall or window sign not to exceed in area 50% of the primary wall or window sign is permitted by special permit issued pursuant to Section 5.6.6



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
 Charlton, held Monday 20 2013 the following
 business was transacted under Article 82.

SIGN TYPE	PERMANENT (P) OR TEMPORARY (T)	PERMIT REQUIRED (Y/N)	TIME LIMIT	MAXIMUM SIZE RESTRICTIONS	MAXIMUM HEIGHT ABOVE GRADE	NOTES	NUMBER OF SIGNS
Wayfinding sign	P	Y if not ^a government agency		15 square feet	Maximum height of 10 feet with a clearance from ground of 30 inches	Advertising is prohibited and these signs are allowed off-premise signs	
Window or door sign	T	N		Not to cover more than 30% of door or window area		Not allowed on the exterior of windows or doors	

5.6.8 Exceptions

The following signs are exempt from the requirements of this section.

1. Flags and insignia of any government except when displayed in connection with commercial promotion.
2. Temporary devices erected for a charitable or religious cause, provided they are removed within five (5) days of erection.
3. Temporary displays inside windows, covering not more than thirty (30) percent of window



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 20, 2013 the following business was transacted under Article 22.

4. Integral decorative or architectural features of a building, including letters, logos and trademarks.
5. Devices identifying a building as distinct from one or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.
6. Address identification through numerals or letters.
7. "For Sale," "For Rent" or political signs.
8. Window displays of merchandise or signs incidental to the display of merchandise.
9. Gasoline station signs required by local, state or federal regulations.
10. Signs erected by municipal, county, state or federal government, as may be deemed necessary for their respective functions, in accordance with the standards of this section.
11. Signs not exceeding five (5) square feet in area indicating "entrance", "exit", "parking", "no trespassing", or the like, erected on a premises for the direction of persons or vehicles.
12. Youth athletic league sponsor ads or banners, affixed during active league season schedule onto a fence at public recreational facilities.

5.6.9 Non-Conforming Signs

Any sign not conforming to the terms of this section is hereby declared a non-conforming sign. Non-conforming signs may continue to be maintained, provided however, that no such sign shall be permitted if, after the date the zoning bylaw was adopted, it is enlarged, or altered in any substantial way, except to conform to the requirements of the bylaw. Notwithstanding this, the panels of such sign may be changed to reflect a changed product line.

Further, any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement cost of the sign at the time of the restoration shall be deemed to conform to the requirements of the bylaw.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 28, 2013 the following
business was transacted under Article 22.

Any exemption shall terminate with respect to any sign that: shall have been abandoned; advertise or calls attention to any product, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; shall not have been repaired or property maintained within thirty (30) days after notice to that effect has been given by the Building Inspector.

A sign damaged by vandalism, accident or Act of God may be repaired or re-erected without a permit within sixty (60) days in the same location but should conform to the standards set forth in this section. Such sign shall not be any more nonconforming than the previous sign.

Any sign that is located upon property which becomes vacant and is unoccupied for a period of sixty (60) days shall be deemed to have been abandoned. An abandoned sign is prohibited hereby and shall be removed by the owner of the premises forthwith.

Any sign under permit by the Outdoor Advertising Board on the effective date of this bylaw may continue to be maintained without conforming to the area and height requirements of this section. The Board of Selectmen shall refer to the Planning Board, for its review and recommendation, any notices issued by the Outdoor Advertising Board as to applications for authority to maintain or install billboards or other signs in Charlton.

5.6.10 Administration and Enforcement

Unless indicated otherwise, no sign shall be erected in the Town without a permit from the Building Inspector. Every application for a sign permit shall be accompanied by a scaled, dimensioned drawing showing the size and location of the sign on the property or building. The Building Inspector shall review the permit application, the drawing and any related materials and shall issue a permit if the sign set forth in said application is in full compliance herewith. The Building Inspector shall approve or deny an application within thirty (30) days of his receipt thereof, or as to signs located within a historic district, within sixty (60) days of receipt. Signs to be erected on Town property shall require an additional permit from the Board of Selectmen.

However, a sign located within a historic district as defined by G.L. Ch.40C shall be permitted only after certification by the Historic District Commission that the sign complies in full with the bylaws, rules, regulations, and operative guidelines of the Commission, with the provisions of G.L. Ch.40C, and with all rules and regulations promulgated thereunder. The Commission shall transmit its decision to the Building Inspector in this regard within 45 days of its receipt of the application, but neither approval nor



PG 22

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20, 2013 the following
business was transacted under Article 22.

Signs located along or designed to be visible from a roadway designated as a scenic road shall be reviewed by the Planning Board prior to the issuance of a sign permit hereunder. In its review, the Board shall determine compliance of the sign with all provisions of state law and town bylaw applicable to scenic roads. It shall transmit its recommendations thereon to the Building Inspector within 21 days of its receipt of the application.

The Planning Board shall be the Special Permit Granting Authority for the purposes of this Section. The Board shall grant special permits hereunder if it determines that a) the sign requested pursuant to the special permit application is necessary due to topography or site conditions unique to its proposed location, or b) a unique and particular type of use requires additional signage in order to identify the premises adequately.

The Zoning Board of Appeals shall have the authority to issue a variance from the provisions of this Section in accordance with Section 7.3.2.1 hereof.

Every sign shall be maintained in sound structural condition satisfactory to the Building Inspector at all times. The Building Inspector shall inspect a sign when and as the Building Inspector deems appropriate. The Building Inspector shall have the authority to order the repair, alteration or removal of a sign which constitutes a public health and/or safety problem by reason of improper or inadequate maintenance, design, construction, condition or dilapidation.

SPONSOR: PLANNING BOARD

Motion and second that Article 22 be accepted as printed.
By-Law Committee and Planning Board support this motion. 2/3rds vote needed.
Motion passes by more than 2/3rds Voice Vote as determined by the Moderator.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Form 2
Sub. 42

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20 2013 the following
business was transacted under Article 23.

ARTICLE 23. ZONING BY-LAW: ZONING MAP REVISION- ROUTE 20 RE-ZONING
To see if the Town will vote to amend the Town of Charlton Zoning Map by re-zoning parcels located on the northerly side of Route 20, westerly of Stafford Street and southerly of South Starbridge Road, herein identified on Charlton Assessor's Map 27C, Block A, Parcels 1 through 4, 6, 7.1 and 7 through 9 from Residential-Small Enterprise (R-S/E) zoning designation to Community Business (CB) zoning designation, or take any action relative thereto or thereon.

SPONSOR: PLANNING BOARD AND ECONOMIC DEVELOPMENT COMMISSION (EDC)
Motion and second that Article 23 be accepted as printed.
By-Law Committee and Planning Board support this motion. 2/3rds vote needed.
Motion passes by Unanimous Voice Vote.

At this juncture Town Moderator advised, per Article 1, Section 1 of the Town of Charlton General Town Bylaws, that since the time had reached 11 p.m. the meeting could not continue unless a motion were made and passed to continue the meeting. Motion made, seconded and passed by Unanimous Voice Vote to continue the meeting until midnight, or such earlier time as it might upon motion duly made and seconded be adjourned or recessed.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Form 2
Sub. 43

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 20, 2013 the following
business was transacted under Article 27.

ARTICLE 27.

PETITION

To see if the Town will amend the Charlton Zoning Map by extending the southern boundary of the Village District by re-zoning property as shown on Assessors Map #42, Block C, Parcels 1, 2, 3, and 7.1 from their current R-40 Zoning designation to Village District Zoning designation.

SPONSOR: PETITION

Planning Board supports this article. 2/3rds vote needed.
Motion made and seconded that the Town Meeting vote to approve the petition of Kenneth LeBlanc, et al to amend the Town Zoning Map by extending the southern boundary of the Village District in order to rezone property herein identified as Assessor's Map 42, Block C, Parcels 1, 2, 3 and 7.1 from their current zoning designation of Low Density Residential (R-40) to Village District zoning designation passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully

Darlene L. Tully
Town Clerk

Town Seal