

Town of Florida

Town Bylaws



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Section 1 Purpose

The purpose of this By-Law is to provide the Town of Florida the protection authorized by Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

Section 2 Definitions

For the purpose of this By-Law, the following words and terms as used herein shall have the meanings or limitations of meaning here under defined, explained or assigned.

Dwelling, One Family:

A detached residential building containing one dwelling unit and occupied by one family only including mobile homes placed on a foundation.

Dwelling, Two Family

A detached residential building containing two dwelling units designated for occupancy by not more than two families.

Dwelling Unit

One or more rooms constituting a separate independent housekeeping establishment with cooking, living, sanitary, and sleeping facilities for the use of one family.

Lot, Frontage

The continuous distance along the street line which provides direct access to the lot. A private street approved by the Planning Board under the Sub-division Control Law may provide frontage only for lots which are contained with the approved subdivision.

Mobile Home

A completely enclosed structure built on chassis, designed as a dwelling unit to be transported after fabrication on its own wheels or detachable wheels, or on a flatbed trailer.

Street

A public way or a private way either shown on a plan approved in accordance with the Subdivision Control Law, or otherwise qualifying lots along it for frontage under the Subdivision Control Law.

Street Line

The dividing line between a street and a lot which is the right-of-way line where a plan of street is on file with the Registry of Deeds or in the absence of such plan to be measured from a parallel line 30 feet from the center line of the travel.

Marijuana Establishment

An adult-use marijuana entity licensed by the Cannabis Control Commission to conduct business in the Commonwealth of Massachusetts, and defined in Chapter 94G of the General Laws of the Commonwealth of Massachusetts, as amended and regulated by 935.CMR500.00, as amended.

Section 3 Zoning Districts

For the purpose of this By-law the whole area of the Town shall constitute a single zoning district with uniform regulations for each class or kind of structure or use permitted.

Section 4 Use Regulations

Except as provided in nonconforming uses Section 6.1 of the By-law, no building or structure shall be constructed, and no building, structure or land, or part thereof, shall be for any purpose or in any manner other than for one or more of the uses specified in this By-law.

Section 4.1 Permitted Uses

One family dwelling including mobile home, or two family dwelling, but not mobile home parks.

Farming, agricultural, horticultural, silviculture, floriculture, and animal husbandry.

Religious, educational, municipal, or recreational uses.

Accessory uses customarily incidental to permitted uses including customary home occupations.

Commercial Greenhouse, excluding those owned or operated by Marijuana Establishments, sawmill, commercial dog kennel, or veterinary hospital, golf course, ski tow, riding stable, or other recreational facility of similar character.

Retail business or consumer service establishment other than Marijuana Establishments, including but not limited to grocery store, barber shop or beauty shop, antique shop, eating establishment, bank or other office use.

Any other commercial use except Mobile Home Park, or Industrial use may be authorized by special permit by the Board of Selectmen if the Board finds the proposed use is in harmony with the general purpose and intent of the by-law and not offensive or detrimental to the neighborhood and provided it does not tend to reduce property values by reason of dirt, odor, fumes, smoke, gas, or other wastes.

The Board of Selectmen may issue a special permit for the operations of a marijuana establishment in the town provided that the Board finds the Proposed Marijuana Establishment has sufficiently demonstrated to be and remain in compliance with regulations set forth in 935.CMR.500.00, as amended; and further provide that the Board finds the special permit application to sufficiently demonstrate that the Marijuana Establishment will not create a public nuisance related to traffic impacts, visual impact, odor, noise, safety, security, and environmental impact.

Notwithstanding the other provisions of this section, a travel trailer may be parked upon an owners premises provided the same is not used for the purpose of human habitation on such site.

Section 5 Intensity Regulations

Any building or structure used for dwelling purposes or housing a principal permitted use, shall be so located on a lot as to meet the following requirement except as specifically

otherwise provided in this by-law:

The lot area shall not be less than one acre.

Frontage for any such lot shall be not less than 150 feet on a public way or a way approved under the Subdivision Control Law, Chapter 41, of the General Laws.

Minimum Front yard or set back of all buildings or structure shall be 30 feet, side yard 30 feet, and rear yard 30 feet. Front yard or the set back is to be measured from the right of way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan from a line thirty feet from the Street line and parallel with the center of the traveled way.

A lot or parcel of land having an area or frontage of lesser amounts than required in this section may be considered as coming within the area and frontage requirements of the section in accordance with provisions of Section 6, Chapter 40A of the General Laws.

The Town voted to establish a bylaw to require any future mobile home to be anchored to piers, a slab, or other suitable foundation for each location as deemed necessary by the Building Inspector, said mobile home to be equipped with skirting. (May 10, 1980)

Section 6 Special Provisions

Section 6.1 Nonconforming Structures, Uses and Lots

The provisions of this bylaw shall not apply to structures or uses lawfully in existence or lawfully begun at the time of the adoption of this bylaw, nor to any alteration, reconstruction, extension, or structural change to a one family or two family dwelling as provided in Section 6, Chapter 40A of the General Laws.

Section 6.2 Special Permits

Any board designated as a Special Permit Granting Authority in this bylaw may hear and decide applications for Special Permits upon which such Board is specifically authorized to act under this bylaw, in accordance with the provisions of Section 9, Chapter 40A of the General Laws.

Special permits shall only be issued following public hearing held within 65 days after filing of an application with the Special Permit Granting Authority.

A Special permit shall lapse in two years if a substantial use or construction has not begun under the permit by such date except for a good cause.

Section 6.3 Junk Car Regulations

No person shall accumulate, keep, store, park, place, repair, deposit, or permit to remain upon premises owned by him or under his control more than one unregistered, or any dismantled, unserviceable, junked, or abandoned motor vehicle unless he is licensed to do so under Chapter 140 of the General Laws, or unless he receives a special permit to do so from the Board of Selectmen after a hearing. Special Permit may be granted by said Board on condition that the owner agrees to screen the permitted vehicle from view from neighboring land ways or public highways for a breach of which

said permit shall be revoked. The provisions of this section shall not apply to agricultural vehicles in use on an operating farm.

Section 7 Zoning Board of Appeals

There shall be a Zoning Board of Appeals consisting of three members and two associate members to be appointed by the Board of Selectmen as provided in Section 12, Chapter 40A of the General Laws. The Board shall act within its statutory powers as provided in Section 14, Chapter 40A of the General Laws and on matters within its jurisdiction under this bylaw in a manner prescribed in Section 15, Chapter 40A of the General Laws.

Section 8 Administration

This bylaw shall be administered by the Board of Selectmen through the Building Inspector appointed by the Board under the State Building Code.

Construction or operation under a building or special permit shall conform to any subsequent amendment of this bylaw unless the permit is issued before the first publication of the required notice of public hearing by the Planning Board on such amendment, and the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

No building shall be built and no use of land or buildings shall be begun without a permit having been issued in accordance with this bylaw as provided in the State Building Code.

Whoever shall violate any provision of this bylaw or fails to comply with any of its requirements shall upon conviction thereof be fined not more than fifty dollars for each offense. Each day such violation continues shall be considered a separate offense.

Section 9 Amendment and Validity

This bylaw may be amended from time to time at an Annual or Special Town Meeting in accordance with Chapter 40A, Section 5 of the General Laws.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

NOTE: The dates of public hearing for the Chapter 808 Zoning Bylaws provision were May 17, 1978, May 24, 1978.

Section 10 Dog By-Law Section

10.1 Definitions

As used in this by-law, unless the context otherwise indicates.

Animals. All animals of any species, both male and female including, but not limited to dogs and cats.

Owner or Keeper. Any person or persons, firm, association, or corporation owning, keeping, or who has in his possession, for eleven (11) consecutive days in any calendar year, a dog or any other animal, licensed or unlicensed; and cannot show to the satisfaction of the Animal Control Officer that such animal was sold, had died, or given away or otherwise

disposed of. Further, if the owner or keeper of a dog or other animal be a minor, the parent or guardian of such minor, shall be held liable for any violation of this by-law.

Run-at-large. Free of restraint and permitted to wander on private or public ways at will.

Commercial kennel. A kennel maintained as a business for or to include the boarding of dogs.

Multiple Pet License. Several dogs over the age of six (6) months of age in a single private residence.

License Period. The time between April 1, and March 31, both dates inclusive.

Livestock or Fowl. Animals or fowl kept or propagated by the owner for food as a means of livelihood, kept in proper houses or suitably enclosed yards. Such phrase shall not include dogs, cats or other pets.

Animal Control Officer. Any officer appointed by the Board of Selectmen to enforce the laws relating to animals.

Section 10.2 License Requirements, Fees, and Exceptions.

Any owner or keeper of a dog six (6) months of age or older in the Town of Florida shall cause that dog to be licensed as required by Massachusetts General Laws Chapter 140, Sections 137 and 139, commencing on April 1 of each year.

Any owner or keeper of several dogs may acquire a multiple pet license.

Commercial kennels must be fully licensed pursuant to the provisions of MGL Chapter 140, Section 137A.

Any owner or keeper who renews their respective dog license (s) after June 15th will be charged a ten (10) dollar late fee charge.

Each pet household and commercial kennel shall be available to inspection by the Animal Control Officer, a Natural Resources Officer, Fish and Game Warden, Police Officer, Building Inspector, or the Board of Health.

All dogs and cats six (6) months of age or older must be currently vaccinated against rabies, as per MGL Chapter 140, Section 145B.

The annual fee for every animal license, multiple license, and commercial kennel license shall be established by the Board of Selectmen. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind or deaf person proved that the Division of the Blind and Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.

The registering, numbering, describing, and licensing of animals shall be

performed in the office of the Town Clerk on a form prescribed and supplied by the town, and shall be subject to the condition expressed herein that the dog so licensed shall be controlled and restrained from killing, chasing, or harassing livestock or fowls.

No License shall be refunded, in whole or in part.

The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing.

Whoever violates any provision of this by-law shall be penalized by noncriminal disposition as provided in MGL 40. Section 21D. (art 31, 5-26-92)

Section 10.3 Dogs required to be leashed

Dog owners, keepers and persons otherwise in charge are required to physically restrain their dogs by leash when they are not on the owners property. Hunting dogs when being used for hunting or training shall be exempt.

This section shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules and regulations apply.

Whoever being the owner, keeper or person in charge of said dog (s) fails to keep their dog (s) physically restrained by leash shall be punishable by a fine of Fifty (50) dollars for each individual dog in each individual offense.

Section 10.4 Muzzling Dogs

Any owner, keeper or person in charge of a dog may be ordered to muzzle said dog by a duly appointed animal control officer and, in his/her absence, by a police officer for either of the following reasons:
for having bitten, injured or physically molested any person, or
for having physically injured any domestic animal

This order shall remain in effect until removed by officer after having been satisfied that the dog is unlikely to repeat its offense. Such decision by officer to remove the said order shall not be unreasonable withheld.

Section 10.5 Removal of Animal Litter

If any animal shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said animal shall immediately remove or cause to be removed from said property or area all feces so deposited by said animal. Unless said feces are removed, the owner, keeper and person then walking or otherwise in charge of said animal (or if owner, keeper or person shall be under the age of 18, then the parent or guardian) shall be deemed to have committed a punishable offense.

As used in this section, the following terms shall have the meaning indicated:

Property or Area - Any public property or the common areas of any privately-owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the animal.

The provisions of this bylaw shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person.

The commission of any offense punishable under this section shall be punishable by a fine of Fifty (50) dollars.

Section 10.6 Impounding, Release and Disposition of Dogs

Animal control officers or, in their absence, police officers may cause a dog to be impounded for any of the following causes:

- if found without a license when a license is required
- if found unrestrained as set forth in Section 3 of this chapter,
 - for violation of a muzzling order as provide for in Section 4 of this chapter or as provided under MGL Chapter 140 Section 167, as amended,
- for having bitten, injured or physically molested any person
- for having physically injured any domestic animal,
 - to restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his/her dog from causing a nuisance by continuous barking or howling, or
 - to ensure the safety and well-being of the particular dog.

No later than two (2) days after the impounding of any dog, the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown, or, after reasonable efforts is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for posting notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten day period shall be disposed of in accordance with the provisions of MGL Chapter 140 Section 151A. Prior to the end of said ten day period, the owner or keeper may obtain the release of any dog impounded hereunder as follows:

- in the case of a violation of Section 6(a) of this chapter, upon obtaining a license as required by law and after paying all pound fees, fines, and notifications costs, if any, or a person who owns or keeps a dog, and who has received such notice that the dog has been impounded and is eligible for immediate release, and does not within ten (10) days claim said dog at the pound, shall be punished by a fine of Fifty (50) dollars to cover the board and disposal of such dog. The owner or keeper shall be described as a person who has in his possession, for eleven (11) consecutive days in any calendar year, a dog licensed or unlicensed, and cannot show to the satisfaction of the animal control officer that such dog was sold, had died, was given away or otherwise disposed of.

Any person who violates the provisions of Section 4 or Section 6 of this chapter

shall be punished by a fine of Fifty (50) dollars.

The owner or keeper of any dog who intentionally allows said dog to cause a nuisance by barking, or howling shall be punished by a fine of Fifty (50) dollars.

Section 10.7 Liability of Owner

The owner or keeper of a dog, which has done damage to livestock or fowl, shall be liable for such damage, and the Selectmen may order the owner or keeper to pay such damages after an investigation as set forth in MGL Chapter 140.

In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon order of the Selectmen, the Selectmen shall enter or cause to be entered a complaint in the District Court for the enforcement of the order.

In addition, the Board of Selectmen or their agents may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have killed livestock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purposes shall give a bond in the sum of two hundred (200) dollars, with sufficient sureties approved by the Board of Selectmen, conditioned that the dog is continually restrained. If the owner or keeper of the dog declares his intention to give such a bond, said Selectmen or their agents shall allow the owner or keeper seven (7) days, exclusive of Sundays and Holidays, in which to procure and prepare the same and to present it to them.

If a dog which has previously been ordered restrained by the Selectmen, or upon review by the District Court, wounds any person or shall maim or kill any livestock or fowls, the owner or keeper of such dog will be liable to the person injured thereby in treble the amount of damages sustained by him.

For the law of the Commonwealth as to dogs generally, see G.L., c. 140, ss 136A to 174A. As to cruelty to animals, se G.L., c.272, ss 77 et seq. As to licensing of stables, see G.L., c.111, ss 155 to 158. As to disposition of old and inform animals, see G.L., c. 133. As to keeping certain animals in tenement houses, etc., see G.L., c. 144, ss 73.

Section 11 Wireless Communications By-law

Section 11.1 Purpose

The purpose of this by-law is to outline the special permitting process to site a wireless communication facility anywhere in town, while minimizing potential damage and adverse visual impacts of wireless communication facilities on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

Section 11.2 Definitions

DISTANCE shall be measured on a horizontal plane.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission.

HEIGHT shall be the distanced measured from ground level to the highest point on the structure.

NON-RESIDENTIAL STRUCTURE shall mean such structures as, but not limited to, buildings, grain silos, and water towers, but does not include houses, or apartments.

WIRELESS COMMUNICATION BUILDING shall mean any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation, and is an accessory to a wireless communication structure.

WIRELESS COMMUNICATION DEVICE shall mean any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation that is attached to a structure.

WIRELESS COMMUNICATION FACILITY shall be used as a general term to include wireless communication building, wireless communication device, and wireless communication structure.

WIRELESS COMMUNICATION STRUCTURE shall mean any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

Section 11.3 Exemptions

The following shall be exempt from this by law:

A. Wireless communication facilities used for Town or State emergency services.

Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission and used solely for that purpose.

Wireless communication structures and devices used expressly for home television reception.

Section 11.4 General Guidelines

No wireless communication facility shall be erected, constructed, or installed without a special permit from the SPGA, except where specifically exempted in Section III above.

Wherever feasible, wireless communication devices shall be located on existing

towers or other non-residential structures, minimizing proliferation of new towers.

Wireless communication structures shall be designed to accommodate a minimum of four (4) FCC licensed wireless communications carriers.

Wireless communication buildings shall be no larger than 500 square feet and 12 feet high, shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to this particular site.

Section 11.5 Sitting and Height Requirements

The minimum distance from the base of the wireless communication structure to any property line or road right-of-way shall be at least 1.25 times the height of the structure. *To ensure an adequate fall zone.*

The minimum distance from any guy wire, anchor or brace to any property line or road right-of-way shall be equal to the length of the guy wire.

The setbacks for the wireless communication building shall comply with the setback requirements for the zoning district.

The wireless communication structure shall be a minimum distance of three times the height from school buildings, playgrounds, athletics fields, and abutting residences to prevent the structure from appearing to "tower" over; adversely affecting property values.

The height shall be the minimum height necessary to accommodate anticipated and future use.

Wireless communication structures are encouraged on State lands provided that said lands are not subject to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. If facilities predating this by-law exist on such lands, the shared use of such facilities is encouraged.

The wireless communication structure shall, when possible, be sited off ridge lines and where their visual impact is the least detrimental to valuable historic and scenic areas.

No new wireless communication structure shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the SPGA that no existing wireless communication structure can accommodate the Applicant's proposed wireless communication device. Evidence submitted to demonstrate that no existing structure can accommodate the applicant's proposed device may consist of any of the following:

No existing wireless communication structures or non-residential structures are located within the geographic area required to meet the applicant's engineering requirements.

Existing wireless communication structures or non-residential structures are not of sufficient height to meet the applicant's requirements.

Existing wireless communication structures or non-residential structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed wireless communication device.

The proposed wireless communication device would cause electromagnetic interference with the existing devices on the site, or the existing devices would cause interference with the proposed wireless communication device.

The fee, costs, or contractual provisions required by the owner in order to share an existing wireless communication structure or to adapt an existing structure for use are unreasonable.

The applicant demonstrates that there are other limiting factors that render existing structures unreasonable.

Section 11.6 Design Requirements

A. Wireless communication structures shall be designed to accommodate a minimum of four (4) licensed wireless communications carriers.

B. There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24- hour basis. The sign shall be visible from a public way.

All wireless communication devices shall be colored, molded, and/or installed to blend into the structure and/or the landscape.

The facility shall be fenced to control access (*not necessarily the whole property*).

The application must list FAA lighting and design requirements relating to specific tower to be constructed.

There shall be a maximum of one parking space for each facility to be used in connection with maintenance of the site and not to be used for the storage of vehicles or other equipment.

Existing on-site vegetation shall be preserved to the maximum extent possible.

Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding native vegetation shall be used.

Section 11.7 Application Process

TO SITE A NEW WIRELESS COMMUNICATION STRUCTURE, the Applicant shall submit:

Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40' or 1"=200' where appropriate, on as many sheets as necessary which shows the following:

North arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans

and space for reviewing licensed engineer's seal.

name and address of landowner and name and address of abutters.

property lines and location of permanent structures or buildings, within 500-foot radius of proposed wireless communication structure.

existing (from a topographical survey completed within 2 years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of 2-foot intervals and spot elevations at base of all the proposed and existing structures.

vegetation to be removed or altered.

plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.

delineation of wetlands, if any.

location of wireless communication structure, including supports or guy wires, if any.

plans for anchoring and supporting the structure, including specifications of hardware and all other building material.

plans for accessory buildings.

layout and details of surfacing for access road and parking.

amenities such as lighting, fencing, and landscaping.

Four view lines in a one to three -mile radius of the site, beginning at True North and continuing clockwise at ninety-degree intervals, plus additional view lines from any historic, scenic, or other prominent areas of Town determined by the SPGA.

A map showing the areas covered/served by the proposed wireless communication structure and device of different signal strengths, and the interface with adjacent service areas.

A locus map at a scale 1"=1000'(or whatever is necessary to show where in town the proposed tower is sited) which shall show streets, and landscape features.

A description of the soil and surficial geology at the proposed site.

A narrative report written by the carrier and licensed professional engineer which shall:

Describe the justification of proposed site.

Describe the structure and the technical, economic, and other reasons for the facility design.

Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.

Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.

Describe the projected future needs of the carrier, and how the proposed wireless communications facilities fit with future projections to serve the Town and adjacent towns.

Describe leasing agreement should another carrier desire to co-locate.

Describe special design features to minimize the visual impact of the proposed wireless communication facility

Proof of approval of all other necessary permits needed for construction and operation.

If the proposed facility is taller than the zone height restriction (and the SPGA deems it necessary), after the application is submitted, and not more than 14 days before the public hearing, the applicant shall arrange to fly a four-foot-diameter balloon at the site of the proposed wireless communication structure at the maximum height of the proposed installation. The date and location of the flight shall be advertised at least 14 days, but not more than 21 days before the flights, and again in the public hearing advertisement in a newspaper with a general circulation in the town.

TO SITE A WIRELESS COMMUNICATION DEVICE ON EXISTING WIRELESS COMMUNICATION STRUCTURES OR NON-RESIDENTIAL STRUCTURES, such as buildings, grain silos, steeples, water towers or other non-residential structures, including co-location with another carrier, provided that the new use does not add to the height of the structure, the Applicant shall submit:

Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40' or 1"=200' on as many sheets as necessary which shows the following:

North arrow, date, scale, the seal(s) of the licensed professionals who prepared the plans and a space for the reviewing licensed engineer's seal.

plans for supporting and attaching the device including specifications of hardware and all other building material.

building plans for accessory buildings, if any.

Layout and details of surfacing for access road and parking, if it is to be altered from existing condition.

A map showing the areas covered by proposed device(s) of different signal strengths and the interface with adjacent service areas.

A narrative report written by the carrier and licensed professional engineer which shall:

include a draft of the contract between the structure/building owner (whichever appropriate) and the Applicant.

demonstrate that the wireless communication structure or nonresidential structure to which the device will be mounted has the structural integrity to support such device.

describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.

describe the projected future needs of the carrier, and how the proposed facility fits with future projections.

Proof of approval of all other necessary permits needed for construction and operation.

If the proposed facility adds more than five feet to the height of the structure at the effective date of this by-law and will exceed zone height restrictions, the SPGA may require a balloon test as described above in VII., A., 7.

The above information shall be submitted along with the regular application form to the following: 1 copy to the Building Inspector, 1 copy to the Fire Chief, 1 copy to the Chief of Emergency Services, or equivalent, and 3 copies to the SPGA

Section 11.8 Approval

In granting a special permit for wireless communication facilities, in addition to the findings required by the Town's Zoning By-law for Special Permits, the SPGA shall find:

That the Applicant has demonstrated to the satisfaction of the SPGA that the requirements of this by-law have been met.

That the size and height of the structure is the minimum necessary.

That the proposed wireless communication facilities will minimize adverse impacts on historic structures or scenic views.

That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.

When considering an application for a wireless communication facility, the SPGA

shall place great emphasis on the proximity of the facility to residential dwellings, its impact on these residences, and will encourage the use of existing structures.

Any extension, or construction of new or replacement towers or transmitters shall be subject to an amendment to the Special Permit, following the same procedure as siting a new wireless communication device on an existing structure.

Section 11.9 Conditions of Use

The applicant shall post an initial bond to cover demolition costs and an annual maintenance bond to cover maintenance for the access road, site, and structure(s) and to cover the removal of facility in the event of non-operation (*See C. below*) in an amount approved by the SPGA. An access road may include existing town roads not designed for heavy traffic.

Regulatory Compliance

Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Building Inspector by the Special Permit Holder, and shall be reviewed by a licensed professional engineer hired by the town and paid for by the Special Permit Holder

If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.

Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner's expense.

If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within 120 days.

Removal and Repair

An applicant must execute a covenant with the SPGA agreeing to remove, within 180 days of notice from the town, the wireless communication facility not in operation for a period of twelve months, unless the reason for non-operation is the result of major damage.

If the facility is not removed within 180 days, the Town will remove said facility at the owner's expense.

In the event of major damage, repair must begin within six months of damage. Major damage shall mean damage to the facility caused by no fault of the owner or operator.

Section 11.10 Fee Structure

Application Codes
Appropriate bonding
Dollars for annual inspection of facilities.

Section 12 Governing the use of Outdoor Advertising Devices

Section 12.1 Sign

Any device to inform or attract the attention of persons not on the premises on which the sign is located, including any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights, providing however, that the following shall not be included in the application of the regulations of this bylaw:

Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

Flags and insignia of any government except when displayed in connection with commercial promotion.

Legal notices; identification, informational, or directional signs erected or required by governmental bodies.

Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Signs directing or guiding traffic and parking on private property, but bearing no advertising matter.

Standard gasoline pumps bearing thereon in usual size and form the name type and price of gasoline.

Section 12.2 Sign, Area Of

The entire area within a regular geometric form or combinations of regular forms comprising all of the display area of the sign and including all of the elements of the matter displayed. One side only of signs with faces at 180 degrees to each other shall be counted. Frames and Structural members not bearing advertising matter shall not be included in computation of signs area unless those elements are internally or decoratively lighted.

Section 12.3 Sign, Free Standing

A sign erected or affixed to the land, and not attached to a building.

Section 12.4 Sign, Non Accessory

Any billboard or sign not an accessory type.

Section 12.5 Sign, Temporary

A sign which, by its inherent nature can be expected to remain in place for less than a year, as real estate signs, or signs inside display windows.

Section 12.6 Sign Regulations

Illumination, Motion, Noise Regulations

Signs shall be illuminated only by internal illumination or steady stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians, or neighboring residential premises.

Except for indicators of time and temperature, no sign or part of any sign shall flash, move, or make noise.

Section 12.7 Non Local Signs STRICKEN BY ATTORNEY GENERAL

Section 12.8 Location Requirements

Signs shall not be painted or posted directly on the exterior surface of any wall, but rather shall be affixed to a substantial intermediary removable surface securely affixed to the building.

No sign shall protrude over public property more than four feet.

Section 12.9 Temporary Signs

Temporary signs listed below shall be allowed for up to twelve months in any district without necessity of a permit.

An unlighted sign of up to ten square feet indicating parties involved in construction of the premises.

An unlighted sign of up to eight square feet pertaining to lease or sale of the premises.

A sign of up to ten square feet pertaining to a subdivision while under development, only with permission of the Planning Board.

Section 12.10 Permitted Accessory Signs

One sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed two square feet in area.

Signs attached to a building provided that they aggregate not more than twenty percent of the wall area they are viewed with.

One freestanding sign, provided it aggregates not more than fifty square feet in area.

The total area of all accessory signs, either attached to a building or free standing, shall aggregate not more than seventy-five square feet.

Section 12.11 Permitted Non Accessory Signs

No billboard or other non-accessory sign, shall be permitted. However, a non

accessory directional sign, designating the route to an establishment not on a state highway may be allowed on Special Permit from the Board of Appeals, subject to their finding that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the neighborhood.

Section 12.12 Non Conforming Signs

Any non conforming sign legally erected prior to the adoption of this by- law may continue to be maintained, provided however, that no such sign be enlarged, redesigned or altered except in accordance with the provision of the bylaw, and provided further that any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed 35 percent of the replacement value of the sign at the time of destruction or damage shall not be repaired or rebuilt or altered except in accordance with the provisions of this bylaw. Deviation from this bylaw shall be at the discretion of the Board of Appeals when it presents practical difference or undue hardship.

Section 12.13 Administration

No sign, except those specifically exempted by this bylaw, shall be erected without a permit issued by the Selectmen, application for which shall be accompanied by such scale drawings or photographs as the Selectboard may require.

All signs, whether erected before or after the effective date of this bylaw shall be maintained in a safe condition to the satisfaction of the Selectboard.

Section 12.14 Enforcement

This bylaw shall be enforced by the Selectmen, who will not issue a permit for the erection, maintenance, enlargement, or alteration of any sign which is not in conformance with this bylaw.

Section 12.15 Deviation

Deviation of this bylaw shall be at the discretion of the Board of Appeals.

Section 12.16 Severability

The invalidity of any section or provision of the bylaw shall not invalidate any other section or provision hereof.
(March 6, 1971)

Section 13 Radioactive Waste Disposal

The Town voted to comply with the provisions of Massachusetts General Laws, Chapter 40A, Section 5 relating to the procedures for amending our bylaws as follows:

There shall be no disposal of radioactive waste in this Town unless the site for such disposal has been previously approved by a vote at Town Meeting or a sitting of the Town Selectboard called specifically to vote on such disposal facility
(November 30, 1981)

Section 14 Drinking of Alcoholic Beverages in Public Area

It is ordained by the Selectboard of the Town of Florida, Massachusetts; whereas the drinking of alcoholic beverages as defined in General Laws Chapter 138, Section 1, in or

upon Public ways or public places to which the public has a right of access; or in or upon private lands or places without the consent of the owner or person in control thereof has a substantial tendency to result in unnecessary littering of public and private property, and to result in loud and boisterous talk and conduct that is a nuisance to their members of the general public who have a right of access to such public places, or to the owners of private property that is being used for such purpose, and also results in disturbances of the peace and interference and use of such public property and to the right of the owners of private property to the peaceful enjoyment and use of their property

NOW, THEREFORE; IT IS HERBY ORDAINED as follows:

No person shall drink or possess in an open or partially consumed container any alcoholic beverages as defined in General Laws Chapter 138, Section 1, while on, in, or upon any public way, or public place to which the public has a right of access, excluding or upon private lands without the consent of the owner or person in control thereof,

Any person violating this ordinance shall upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars.
(February 12, 1982)

Section 15 Snow and Ice onto Town Roads

No person shall throw, plow, or put or cause to be put or throw any snow or ice into any Town Road or main highway, if the need should present itself to plow across a road or highway it shall be left free and clear of any snow or ice deposit.

Any person violating this ordinance shall upon conviction thereof be fined not less than ten dollars nor more than fifty dollars.
(May 7, 1983)

Section 16 Police Officer/Selectboard Member

No person shall be allowed to be an appointed Florida Police Officer and Member of the Selectboard at the same time. When elected to the Selectboard, the person will resign any Police appointment during their term on the Florida Selectboard.
(December 17, 1987)

Section 17 Posting of Town Meeting Warrant

The Town voted to accept a bylaw regarding the posting of Warrants for Annual and Special Town Meetings.

The prior Town bylaw for posting of Warrants of Annual and Special Town Meeting is hereby repealed and replaced by the following:

Warrants for Annual and special Town Meetings in the Town of Florida shall be posted in three public places and one copy shall be published in a newspaper of general circulation.
(November 17, 1989)

The Town voted to repeal the bylaw of November 17, 1989 stating “Warrants for Annual and Special Town Meetings in the Town of Florida shall be posted in three public places

and one copy shall be published in a newspaper of general circulation" and post said meetings in accordance with Massachusetts General Laws, Chapter 39. (November 17, 1989)

Section 18 Local Licensing and Permits

Section 18.1 Definitions

Tax Collector

The tax collector of the Town of Florida elected pursuant to Section One Chapter forty-one of the Massachusetts General Law.

Licensing Authority

Each Board Commission, department, division or official of the Town of Florida that issues licenses or permits including renewals and transfers.

Section 18.2 Notification of Licensing Authority by Tax Collector

The Tax Collector shall annually furnish to each licensing authority a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that had neglected or refused to pay any local taxes, fees, assessments, betterments or other Municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement such tax or pending petition before the appellate tax board.

Section 18.3 Action by Licensing Authority

The Licensing Authority may deny, revoke or suspend any building or local license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from tax collector, providing however, that written notice is given to the party and tax collector, as required by applicable provision of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be a prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceedings at law, except for an appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section 18.4 Payment Agreement

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license or permits; provided, however, that the holder be given a notice and a hearing as required by applicable provisions of law.

Section 18.5 Power of Selectboard to Waive Action

The Selectboard may waive such denial, suspension, or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight of Massachusetts General Law in the business or activity conducted in or on said property.

Section 18.6 Bylaw not Applicable to Certain Licenses and Permits

The bylaw shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of Chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food for beverage licenses, section twenty-one E of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven; and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty of Massachusetts General Laws.

(June 29, 1990) (Amended June 21, 2013)

Section 19 Selectboard Power to Contract

Unless otherwise provided by a vote of Town Meeting, Board of Selectmen is authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

(June 28, 1991)

Section 20 Mobile Homes

Section 20.1 Mobile Home Definition

For the purpose of this bylaw, a mobile home shall be defined as a completely enclosed structure built on a permanent chassis which was designed as a dwelling unit and not as a recreational vehicle and which is at least thirty-five feet in length. Such a structure is intended to rest on a permanent foundation of piers, cement slabs, or other suitable material to which it must be fastened by some sort of permanent anchoring system. It must also be equipped with a skirting. It may have its own wheels or it may rest on a flatbed or detachable wheels, but such wheels are only for the purpose of transporting it to its site of permanent installation at which point they are removed.

Section 20.2 Abandonment

For the purpose of the bylaw any of the following shall constitute prima face evidence of abandonment or intent to abandon:

Any positive act indicating such intent and lasting for a period of two years;

When the characteristic equipment and furnishings of the use have been removed from the premises and have not been replaced by the same or similar equipment within two years;

Failure to take all necessary steps to resume the use within a period of two years, including advertisement of the property for sale or lease;

To neglect to maintain a use or structure free from a threat to life and limb.

Section 20.3 Lot Restriction

No person or entity, corporate or otherwise, as owner or as one in control of a premise, shall keep on a lot in any area of the Town of Florida one or more unoccupied mobile homes for which building permits have not been issued or which lack suitable sanitary drainage systems and sources of potable water which have been approved by the Board of Health.

Section 20.4 Mobile Home Use

The use of mobile homes as temporary residences on lots for which permits for the construction of permanent residences have been granted will continue to be allowed under the provisions of this bylaw. However, the use of a mobile home which had formally been issued a permit by the building inspector and which was occupied prior to the adoption of the bylaw and which then became subsequently abandoned for two or more years shall not be reestablished, and future use of such premises shall conform to the provision of the bylaw.

Section 20.5 Violation

Whosoever violates any provision of the bylaw shall be liable for a fine of not more than \$20.00 and each day of the violation shall be a separate and distinct offense. (June 20, 1991)

Section 21 Rental of Dwelling Units

Whenever a rental dwelling unit becomes vacant, the owner, managing agent, or person in charge thereof shall have it inspected by the Board of Health, or its designee, prior to its being reoccupied to determine whether or not it is in compliance with Chapter 11 of the State Sanitary Code, as amended, entitle "Minimum Standards of Fitness for Human Habitation".

If the Board of health or its designee, finds that it does comply with the provisions of the State Sanitary Code, it shall issue a Certificate of Compliance for such dwelling unit. If it finds that it is not in compliance, it shall specify in writing the specific grounds for noncompliance, and such dwelling unit shall not be reoccupied until such defects have been corrected to the satisfaction of the Board of Health, or its designee, and it has issued a Certificate of Compliance.

This section shall not apply to any new rental dwelling units for which the Town Building Inspector has issued a Certificate of Occupancy within 5 years prior to the date of vacancy. If the Board of Health, or its designee fails to make an inspection of a rental dwelling within five (5) working days from the date of written request for such an

inspection by the owner, managing agent, or person in charge thereof, such entail dwelling unit may be rented the same as if a Certificate of Compliance had been issued.

Any owner, managing agent, or person in charge thereof, who permits the re-occupancy of a rental dwelling unit in violation of the provision of the section shall be guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars (\$50.00), and each day that a violation continues shall be deemed a separate offense.

(June 24, 2011)

Section 22 Right to Farm

Section 22.1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter Ill, Section 125A and Chapter 128 Section IA. We the citizens of [Farm-Town] restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of [Farm- Town] by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 22.2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 22.3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of [Farm-Town]. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 22.4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Florida, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property

they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Selectboard or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

Section 22.5 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Florida hereby declares the provisions of this By-law to be severable.

(June 17, 2016)