

Section 23. Right-Of-Way16-23

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I. Preamble

In partial fulfillment of the obligation to see to the prudential management of the Town's affairs and assets and in light of the continuing technological revolution in telecommunications, the recent passage of the Telecommunications Act of 1996 and the de-regulation of the electric and natural gas industries in the Commonwealth, the Town hereby establishes a comprehensive and fair system of regulation for all entities which desire to use the Town's Rights-of-Way.

II. Introduction

The purpose and intent of this By-Law is to: Provide the Town with accurate and current information concerning all facilities located in the Town's Rights-of-Way together with current information concerning entities owning or controlling the Facilities, and

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a. Permit and manage reasonable access to the public Rights-of-Way on a competitively neutral basis, and b. Manage Grants of Location in Public Ways and approve locations to insure that facilities in Rights-of Way do not incommode the public use of Rights-of-Way or endanger or interrupt navigation, and c. Conserve the limited physical capacity of the Rights-of-Way held in public trust by the Town, and d. Assure that the Town is appropriately compensated when its Rights-of-Ways are utilized by non-governmental entities, and e. Assure that the Town's current and on-going costs of granting and regulating private access to and use of the public Right-of- Way are fully paid by the persons seeking such access and causing such costs, and f. Assure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution, M.G.L. Chapter 43B section 13, M.G.L. Chapter 40 sections 4, 21 and 22F, and Chapter

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

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