

ARTICLE IV

Definitions

§ 198-33 Definitions and word use.

- A. Words used in the present tense include the future, and the plural includes the singular; word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." The word "person" includes a corporation as well as an individual.
- B. In this chapter the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meaning:

ABANDONMENT (WEF) - Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the special permit granting authority. **[Added 5-4-2013 ATM by Art. 19]**

ABANDONED SIGN - Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of two years or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of two years or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign. **[Added 5-2-1998 STM by Art. 29]**

ACCESSORY BUILDING - A subordinate building, the use of which is customarily incidental to that of the principal building or of the land and which is located on the same lot with the principal buildings of use

ACCESSORY USE - A use customarily incidental to that of the principal building or use of land and located on the same lot as such principal building or use.

ALTERATIONS - As applied to a building or structure, a change or re-arrangement in the structural parts or in the exit facilities or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMBIENT SOUND LEVEL: the background A-weighted sound level that is exceeded 90% of the time. **[Added 5-4-2013 ATM by Art. 19]**

ANIMAL KENNEL OR HOSPITAL - A structure used for the harboring and/or care of more than three dogs that are more than six months old, whether commercially or not.

ASSISTED LIVING RESIDENCE - A residential development subject to certification under MG L. c. 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity (i.e. by blood or marriage) to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance. Dwelling units in assisted living residences shall not be considered multi-family or garden apartment units. **[Added 5-2-1998 ATM by Art. 19]**

A-WEIGHTED SOUND LEVEL - dB(A) - A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This range corresponds to the human speech band and reflects that human hearing is more sensitive to the mid-range frequencies within this range than the frequencies below and above this range. **[Added 5-4-2013 ATM by Art. 19]**

AWNING - A roof-like cover, often of fabric, plastic, metal or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like. ¹¹ [Added 5-2-1998 STM by Art. 29]

AWNING SIGN - A building sign or graphic printed on or in some fashion attached directly to the awning material. [Added 5-2-1998 STM by Art. 29]

BALLOON SIGN - A temporary sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than 24 inches in diameter. [Added 5-2-1998 STM by Art. 29]

BANNER - Any temporary sign, painted, printed or otherwise displayed on cloth, plastic film or similar material other than a canopy. . [Added 5-2-1998 STM by Art. 29]

BEAUTY PARLOR - Includes hairstyling, facials, manicures nail sculpting and similar personal grooming services. [Added 12-10-1992 STM by Art. 1]

BED-AND-BREAKFAST HOME - A private, owner occupied house where three or fewer rooms are let, an individual's stay is not more than three consecutive nights and a breakfast is included in the rent. [Added 5-4-1991 ATM by Art. 26]

BEDROOM - Any inhabitable room in a dwelling, other than a living room, dining room, kitchen, utility room, or bathroom, if such room exceeds 60 square feet. Any dwelling unit in which no such room exists shall be construed to contain one "bedroom".¹² [Added 3-15-1973 ATM by Art. 78]

BMP's - Best management practices are structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce nonpoint source pollution. [Added 5-1-99 ATM by Art. 9]

BOAT - Any vessel or motor craft moved by oars, paddles, sails or other power mechanism inboard or outboard, or any other vessel or structure floating upon the water whether or not capable of self-locomotion. [Added 5-9-1989 ATM by Art. 19]

BOATYARD - Premises for construction, major repair, servicing or onshore storage of boats. [Added 3-18-1967 STM by Art. 65]

BODY ART ESTABLISHMENT: [Added 5-5-2001 ATM by Art. 11]

- (1) A specified place or premises that has been granted a permit by the Board of Health, whether public or private, where practices of body art are performed, whether or not for profit.
- (2) "Body Art" means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques; body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which procedures are prohibited.

BUILDING - Any structure, whether portable or fixed, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind, including, but not be limited to, principal buildings, garages, sheds, porches, decks, stairways, chimneys, bulkheads, mobile homes, trailers, storage containers and any other item designed or used for similar purposes. [Amended 12-10-1992 STM by Art. 1; Amended 2-11-2004 STM by Art. 14]

BUILDING COVERAGE - The percentage of the horizontal area of a lot measured from the exterior surface of the exterior walls of the ground floor of all buildings and proposed principal and accessory buildings. [Amended 2-11-2004 STM by Art. 14]

¹¹ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

¹² Editor's note: The former definition of "boardinghouse," which immediately followed this definition, was deleted 4-16-1975 ATM by Art. 57.

BUILDING HEIGHT - The vertical distance from the average finished grade or the adjacent ground to the top of the highest point of the roof, parapet, chimney, antenna or other attached structure. Chimneys, antenna and other normally incidental like structures to a single- or two-family dwelling shall be exempt from the above requirement. **[Added 12-10-1992 STM by Art. 1]**

BUILDING MARKER - Memorial signs or tablets, names of buildings and date of erection. **[Added 5-2-1998 STM by Art. 29]**

BUILDING SIGN - Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy. **[Added 5-2-1998 STM by Art. 29]**

BULK STORAGE - Exposed outside storage of sand, lumber, coal, or other bulk materials, and bulk storage of liquids in tanks, except underground, as an accessory use.

BUSINESS OFFICES - Facility for the transaction of business exclusive of the receipt, retail sale or processing of merchandise.

CAMPER - A portable dwelling eligible to be registered and insured for highway use, designed to be used for travel, recreation and vacation uses, but not for permanent residence; includes equipment commonly called travel trailers, pickup coaches or campers, motorized campers and tent trailers, but not mobile homes. **[Added 3-22-1969 ATM by Art 56]**

CAMPING, COMMERCIAL - Premises used for camping, tenting or temporary overnight facilities of any kind where a fee is charged.

CAMPING, SUPERVISED - Facilities operated on a seasonal basis for a continuing supervised recreational, health educational, religious, and/or athletic program, with persons enrolled for periods of not less than one week.

CANOPY - A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway. ¹³ **[Added 5-2-1998 STM by Art. 29]**

CANOPY SIGN - Any sign that is part of or attached to a canopy, made of fabric, plastic or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs. **[Added 5-2-1998 STM by Art. 29]**

CLUB - Premises or building of a non-profit organization exclusively servicing members and their guests for recreational, athletic or civic purposes, but not including any vending stands, merchandising or commercial activities except as required generally for the golf clubs or sportsman's clubs as elsewhere defined, or "clubs" or organizations whose chief activity is a service customarily carried on as a business.

CONSTRUCTION SIGN - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and/or the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. **[Added 5-2-1998 STM by Art. 29]**

CONTIGUOUS UPLAND AREA - Contiguous land other than land classified under the Wetlands Protection Act as freshwater wetland, coastal wetland, beach, flat, marsh, or swamp and land under any water bodies such as ocean, creek, river, stream, brook, pond or lake. **[Added 11-6-1997 STM by Art. 19]**

CONTRACTOR'S YARD - Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of sub-assemblies and parking of wheeled equipment.

CREMATIONS - The technical heating process that reduces human remains to bone fragments. **[Added 5-6-1998 ATM by Art. 17]**

CREMATORIUM - A building within which cremation occurs. **[Added 5-6-1998 ATM by Art. 17]**

DECIBEL (dB) - The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level – often set as 0 dB(A). In general, this means the quietest sound humans can hear is near 0 dB(A) and the loudest humans can hear without pain is near 120 dB(A). **[Added 5-4-2013 ATM by Art. 19]**

¹³ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

DOCK or PIER, PRIVATE - Any structure, floating or fixed, attached or adjacent to land, and placed in or and extending into coastal inland waters (in the case of tidal waters, seaward of the mean high tide line) which is restricted to waterfront owners for their private use and is designed, or is suitable for access to vessels, for swimming or any other similar purpose. **[Added 5-9-1998 ATM by Art. 19; Amended 5-7-2005 ATM by Art. 20]**

DWELLING - A building designed or used exclusively as the living quarters for one or more families.

DWELLING CONVERSION - Alteration of a single family dwelling existing prior to January 1, 1940, to accommodate more families than the number for which it was used or designed at the adoption of this provision in any event not to exceed the provisions of § 198-32.1. **[Amended 5-2-1998 STM by Art. 28]**

DWELLING, MULTIFAMILY - A structure occupied by three or more families living independently of each other.

DWELLING, SEMIDETACHED - Two single-family dwellings units separated by a fire resisting division wall or portion with no openings, constructed with non-combustible finish on both faces and with a solid fill of non-combustible material between the structural members of the wall or partition.

DWELLING, SINGLE-FAMILY - A building occupied by a single family and having no parting walls, or walls in common with an adjacent structure.

DWELLING, TWO-FAMILY - A detached building designed for two families.

DWELLING UNIT - Quarters for a single family.

EARTH REMOVAL - Extraction of sand, gravel, topsoil, or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued or grading of streets in accordance with an approved definitive plan.

ELEVATION - The view of the side, front, or rear of a given structure. **[Added 5-2-1998 STM by Art. 29]**

ERECT - To build, construct, reconstruct, move upon or conduct any physical development of the premises required for a building. To excavate, fill, drain and the line preparation for building shall also be considered "to erect."

EXTENDED DETENTION POND - An enhanced detention pond that provides both flood control and treatment of the first flush of stormwater runoff. Storage time for the first flush is a minimum of 48 hours. **[Added 5-1-99 ATM by Art. 9]**

FACADE-MOUNT ANTENNAS - One or more antennas or panels mounted on the facade of an existing building or structure, including accessory equipment and cables, if any, which facilitate the provision of wireless telecommunications services. **[Added 11-6-1997 STM by Art. 20]**

FAMILY - Any number of individuals living and cooking together on the premises as a single housekeeping unit.

FARM WITHOUT LIVESTOCK - Premises containing at least five acres which are used for gain in raising of agricultural products, including necessary farm structures and equipment. "Without livestock" means having no fur bearing animals, hogs or animals for hire; no more than one horse, cow, goat, or sheep; and no more than ten poultry. **[Added 3-25-1967 ATM by Art. 57]**

FIRST FLUSH **[Added 5-1-99 ATM by Art. 9]** - The volume generated by the first 1.25 inches of stormwater runoff. This first 1.25 inches of runoff carries the majority of accumulated pollutants from impervious surfaces. The first flush treatment volume in cubic feet (V_t) is determined by the following formula:

$$V_t = (1.25/12 \text{ inches})(R_v)(\text{Site Area in square feet})$$

Where:

$$R_v = 0.05 + 0.009(I)$$

I = the % impervious area. Impervious area is defined as any manmade cover that is not vegetated. In residential areas, the % impervious is obtained from the TR-55 table Runoff Curve Numbers for Urban Areas, Residential District by Average Lot Size.

FLAG - Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices. **[Added 5-2-1998 STM by Art. 29]**

FLASHING SIGN - A directly or indirectly illuminated sign, which exhibits changing light or color effect by any means so as to provide intermittent illumination, which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting, which resembles zooming, twinkling, or sparkling; does not include electronic message signs displaying text. **[Added 5-2-1998 STM by Art. 29]**

FLOOR AREA, GROSS - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including the area of the basement not more than 50% below grade, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of the walls, with no deductions for hallways, stairs, closets, thickness of walls, columns, or other features. **[Amended 6-8-2002 ATM by Art. 7]**

FLOOR AREA, NET - The actual occupied area not including accessory unoccupied areas such as but not limited to hallways, stairs, atriums, closets, or thickness of walls. **[Added 6-8-2002 ATM by Art. 7]**

FOREBAY - A storage area provided near a BMP inlet to trap incoming sediments before they accumulate in a basin/pond BMP. **[Added 5-1-1999 ATM by Art. 9]**

FREESTANDING SIGN - Any sign not attached or part of any building, but separate and affixed in or upon the ground. **[Added 5-2-1998 STM by Art. 29]**

GAME PRESERVE - Premises used for hunting for a fee.

GASOLINE SERVICE STATION - Any building, land area or other premises or portion thereof used for the retail dispensing or sales of vehicular fuels, whether as the principal or accessory use. **[Added 5-2-1998 STM by Art. 29]**

GOLF COURSE - An unlighted area of at least 30 acres with nine or more standard holes and customary accessory buildings. Other golf facilities with less acreage or lighted facilities shall be considered as outdoor commercial recreation. **[Amended 12-10-1992 STM by Art. 1]**

GRADE - Construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation. . **[Added 5-2-1998 STM by Art. 29]**

HALO LIGHTING - Light showing from the back of or from within a letter or graphic shape out towards the surface that the letter or graphic is mounted on without having any light visible through the face of the letter or graphic. **[Added 5-2-1998 STM by Art. 29]**

HEIGHT - The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height. This measure is also commonly referred to as the maximum tip height (MTH). **[Added 5-4-2013 ATM by Art. 19]**

HEIGHT OF SIGN - The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign. . **[Added 5-2-1998 STM by Art. 29]**

HISTORIC OR COMMEMORATIVE PLAQUE - Any building sign indicating the name of a building, the date of erection and incidental information about its construction. **[Added 5-2-1998 STM by Art. 29]**

HOME IMPROVEMENT SIGN - Any temporary sign which identifies and announces the construction company responsible for the home improvement of the property. **[Added 5-2-1998 STM by Art. 29]**

HOME OCCUPATION - A business or profession conducted in part or whole in a residence thereof. **[Added 3-25-1967 ATM by Art. 55]**

HOSPITAL - Facility for the care and treatment of patients as licensed by Massachusetts Department of Health. ¹⁴

HYDROLOGIC SOIL GROUP - A soil characterization classification system defined by the U.S. Soil Conservation Service. Soils within the same group have the same runoff potential under similar storm and cover conditions. **[Added 5-1-1999 ATM by Art. 9]**

IDENTIFICATION SIGN - Any sign which is used to distinguish a site as determined by the owner or agent of the site. **[Added 5-2-1998 STM by Art. 29]**

¹⁴ Editor's Note: The former definition of "hotel," which immediately followed this definition, was deleted 4-16-1975 ATM by Art. 57.

ILLUMINATED SIGN - Any sign which contains an element designed to emanate artificial light internally or externally. **[Added 5-2-1998 STM by Art. 29]**

IMPERVIOUS AREA - The portion of the site that is covered by material that does not allow surface water to penetrate into the soil. **[Added 5-1-1999 ATM by Art. 9]**

INTERNAL ILLUMINATION - An internally illuminated graphic is one with the light source concealed or contained within the graphic itself and which becomes visible in darkness by shining through a surface. **[Added 5-2-1998 STM by Art. 29]**

ISSUING AUTHORITY - The Town of Fairhaven Building Commissioner or other person designated by the Fairhaven Board of Selectmen. **[Added 5-2-1998 STM by Art. 29]**

JUNK - Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered "junk."

JUNKYARD - The use of any lot, whether inside or outside a building for the storage, keeping or abandonment of junk or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s), or other vehicle(s), boats or machinery, or parts thereof.

LEGALLY ESTABLISHED NONCONFORMING SIGN - Any sign and its support structure lawfully erected prior to the effective date of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of this chapter and which does not comply with this chapter shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign. **[Added 5-2-1998 STM by Art. 29]**

LIMOUSINE SERVICE - The keeping and maintenance of motor vehicles for hire. **[Added 12-10-1992 STM by Art. 1]**

LINEAL BUILDING FRONTAGE - The length of a ground level straight line or lines parallel to and equaling the length of the building front that includes the main public entrances, the side of the building fronting on the principal roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area. **[Added 5-2-1998 STM by Art. 29]**

LIVESTOCK RAISING - The keeping or raising of any furbearing animals, hogs or animals for hire or horses cows, goats, sheep or poultry. **[Added 3-25-1967 STM by Art. 57; amended 5-14-1977 ATM by Art. 42]**

LOT - A continuous parcel of land with legally definable boundaries.

LOT, CORNER - A lot which has an interior angles of less than 135° at the intersection of two street lines. A lot abutting a curved street shall be considered a "corner lot" if the tangents to the curve at the point of intersection of the front lot line and each side lot line form an interior angle of less than 135°.

LOT COVERAGE - The percentage of the horizontal area of a lot, which is covered or proposed to be covered, by impervious materials (for example, concrete, bituminous asphalt, oil and stone and the like), including but not limited to buildings, driveways, parking areas, walkways, tennis courts, swimming pools (above or below ground), hot tubs, uncovered patios, freestanding decks not used for access and egress to a building or other similar surfaces, but not including materials naturally occurring on site (for example, pre existing stone or ledge) and not include living plant materials.. All surfaces constructed of permeable materials (for example, gravel, pea-stone and the like) shall be excluded from the calculation of lot coverage. **[Added 2-11-2004 STM by Art. 14]**

LOT FRONTAGE - That portion of a lot fronting upon a street or public way, to be measured continuously along one street line between its side lot lines and their intersection with the street line.

LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

MANSARD OR PARAPET SIGNS - A sign permanently affixed to a wall or surface designed to protect the edge of a roof. **[Added 5-2-1998 STM by Art. 29]**

MANUFACTURING - **[Amended 5-5-1990 ATM by Art. 9]** Fabrication, assembly, finishing, packaging, processing or research, including the processing or preparation of food, but not including the processing or preparation of food for individual service.

- (1) For consumption on the premises;
- (2) For sale and delivery on the premises to the consumer for preparation for consumption on the premises, or
- (3) For sale and delivery by the processor or the preparer off the premises to the consumer for consumption at the point of delivery.

MARIJUANA – The same substance defined as “marihuana” under the provisions of M.G.L. c. 94C, as amended from time to time. **[Added 2-12-2014 STM by Art. 8]**

MARIJUANA FOR MEDICAL USE – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in the provisions of M.G.L. c. 94C, as amended from time to time. **[Added 2-12-2014 STM by Art. 8]**

MARINA - **[Added 3-18-1968 STM by Art. 6]** Facilities and operations to accommodate as principal use:

- (1) Landing, launching and mooring of boats.
- (2) Minor repairs and servicing of boats and equipment only while afloat and to accommodate as accessory uses to above only.
- (3) Retail sale at dockside of boat supplies and of accessories and bait displayed and sold only within a building.
- (4) Renting of boats, accessories and fishing tackle.

MARQUEE - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather. **[Added 5-2-1998 STM by Art. 29]**

MARQUEE SIGN - A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a building. **[Added 5-2-1998 STM by Art. 29]**

MEDICAL MARIJUANA FACILITY – Shall mean a “Medical marijuana treatment center” to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building. **[Added 2-12-2014 STM by Art. 8]**

MESSAGE CENTER - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A message center sign may be either electronically or manually changed, provided that no moving letter signs in which the letters change more often than once per hour, except for time or temperature shall be permitted. **[Added 5-2-1998 STM by Art. 29]**

METEOROLOGICAL (MET) TOWER: a group of instruments (including anemometers and wind vanes) that collectively measure various meteorological parameters such as wind speed, wind direction, and temperature at various heights above the ground. **[Added 5-4-2013 ATM by Art. 19]**

MOBILE HOME - A movable or portable dwelling built on a chassis, connected to utilities and designed without necessity of a permanent foundation for year round living. **[Added 3-22-1969 ATM by Art. 56]**

MOTEL OR HOTEL - A building or group of buildings providing accommodations for compensation on a transient basis, but not meeting definition of "non-family accommodations". Accommodations having individual kitchen facilities (two or more of the following: stove, refrigerator, sink) shall be considered dwelling units. **[Added 4-16-1975 ATM by Art. 57]**

MULTIPLE TENANT SITE - Any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance. **[Added 5-2-1998 STM by Art. 29]**

MUNICIPAL USE - Premises used for any operation by the town government except as elsewhere more specifically defined.

MURAL - A work of graphic art painted or applied to a building wall(s) which contains no advertising or logos. **[Added 5-2-1998 STM by Art. 29]**

NACELLE: the enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment. **[Added 5-4-2013 ATM by Art. 19]**

NAME PLATE - Any sign which designates the name, using plates, of the person(s) occupying the premises. **[Added 5-2-1998 STM by Art. 29]**

NEIGHBORHOOD SIGN - A permanent sign designed to identify a residential subdivision. **[Added 5-2-1998 STM by Art. 29]**

NONCONFORMING USE OF LAND OR BUILDING - A building or land lawfully occupied at the time of adoption of this chapter and of any amendments thereto by a use that does not conform to the adopted regulations of the district in which it is situated.

NONFAMILY ACCOMMODATIONS - Boardinghouses, lodging houses, guesthouses, tourist homes, dormitories or similar accommodations. Accommodations shall be considered hotels or motels if having a sign in excess of two square feet or other departure from residential character or if having specified term of residence less than one week, except where there is a resident family on the premises and accommodations for fewer than 10 nonresidents. Accommodations having individual kitchen facilities (two or more of the following: stove, refrigerator, sink) shall be considered dwelling units. **[Added 4-16-1975 ATM by Art. 57]**

NURSING, CONVALESCENT, OR REST HOME - Premises for the care of three or more persons as licensed by the Massachusetts Department of Public Health.

OFFICIAL SIGNS AND NOTICES - A sign erected and maintained within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way, and all traffic control signs shall be consistent with the Manual on Uniform Traffic Control Devices. **[Added 5-2-1998 STM by Art. 29]**

OFF-PREMISES SIGN - A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located. **[Added 5-2-1998 STM by Art. 29]**

OPAQUE SIGN FACE - The nontransparent face for an internally illuminated sign. Illumination shall be emitted only for the name, trademark, logo, distinctive symbol, or other similar device, thing or text used to identify a particular business, institution, activity, place, person, product or service. **[Added 5-2-1998 STM by Art. 29]**

OPEN SPACE - Unoccupied space free of all structures, parking, pavement or other conditions precluding landscaping, maintained with grass or other plant material.

PARAPET (WALL) - That portion of building wall that rises above the roof level. **[Added 5-2-1998 STM by Art. 29]**

PARKING SPACE - Space adequate to park a standard automobile, plus means of access. Marked spaces shall be not less than nine by 20 feet. Where spaces are not marked, each space shall be assumed to require 350 square feet. **[Added 3-22-1969 ATM by Art. 56]**

PEAK DISCHARGE - The maximum rate of flow during a storm, usually in reference to a specific design storm event (i.e. two-year, ten-year, twenty-five-year, one-hundred-year, twenty-four-hour storm event). **[Added 5-1-1999 ATM by Art. 9]**

PERMANENT SIGN - A nontemporary sign designed and intended for long-term use. **[Added 5-2-1998 STM by Art. 29]**

PHILANTHROPIC INSTITUTION - An endowed or charitably supported nonprofit religious or nonsectarian activity maintained for public or semipublic use.

POLITICAL CAMPAIGN SIGN - A temporary sign used in connection with a local, state or national election or referendum. **[Added 5-2-1998 STM by Art. 29]**

POLITICAL SIGN - Any sign posted by a person or group promoting a political issue, commenting on issues or promoting opinions. **[Added 5-2-1998 STM by Art. 29]**

PORCH, COVERED - Part of a structure having a roof and floor either with or without enclosing walls or windows.

PORTABLE BILLBOARD SIGN - Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to an A or T frame sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. **[Added 5-2-1998 STM by Art. 29]**

PRICE SIGN - A permanently mounted sign displaying the retailing cost of gasoline on the premises of a service station. **[Added 5-2-1998 STM by Art. 29]**

PRINCIPAL BUILDING - The building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings. **[Added 5-2-1998 STM by Art. 29]**

PROJECTING SIGN - Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 16 inches beyond the surface or such building or wall face. ¹⁵ **[Added 5-2-1998 STM by Art. 29]**

PROMOTIONAL SALE SIGN - A temporary banner promoting products, goods or services. **[Added 5-2-1998 STM by Art. 29]**

PROPERTY OWNER - Legal owner of property as officially recorded by Bristol County. **[Added 5-2-1998 STM by Art. 29]**

PUBLIC BUILDING - A non-residential building, owned by any governmental agency, which is primarily used for governmental purposes. **[Added 5-2-1998 STM by Art. 29]**

PUBLIC NOTICES - Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. **[Added 5-2-1998 STM by Art. 29]**

PUBLIC STREET LINE - A line demarcated by the nearest edge of pavement for a paved street. **[Added 5-2-1998 STM by Art. 29]**

PUBLIC STREET RIGHT-OF-WAY - The right-of-way for a public street. **[Added 5-2-1998 STM by Art. 29]**

PUBLIC UTILITY - Utility licensed by the Department of Public Works.

PUBLIC UTILITY SERVICE AREA - An area used by a utility for bulk storage, exposed equipment or truck parking.

PUBLIC UTILITY SIGNS - Warning signs, notices or markers which are customarily erected and maintained by public or privately owned public utilities as essential to their operations. **[Added 5-2-1998 STM by Art. 29]**

PUMP ISLAND SIGN - Any sign either affixed directly to a gasoline pump or otherwise attached to the pump or pump island. **[Added 5-2-1998 STM by Art. 29]**

RADIO TRANSMISSION - Premises used for the commercial transmission of radio or television, not including studios.

RATED NAMEPLATE CAPACITY (SPEF): The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **[Added 5-4-2013 STM by Art. 8]**

RATED NAMEPLATE CAPACITY (WEF): the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate attached on the equipment.

REAL ESTATE SIGN - Any temporary sign which announces the sale, rental or lease of property by the owner or real estate company. **[Added 5-2-1998 STM by Art. 29]**

¹⁵ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

RECREATION, INDOOR COMMERCIAL - Theater, bowling alley, video/pinball arcade, roller skating rink, ice skating rink or other commercial recreation or entertainment carried on wholly in an enclosed building. **[Amended 12-10-1992 STM by Art. 1]**

RECREATION, OUTDOOR COMMERCIAL - Drive-In theater, golf driving range, miniature golf course, pitch and putt, skate board park, bathing beach or other commercial recreation activities not more specifically defined elsewhere in this chapter. **[Amended 12-10-1992 STM by Art. 1]**

REPRESENTATIONAL SIGN - A three-dimensional sign built so as to physically represent the object advertised. **[Added 5-2-1998 STM by Art. 29]**

RESIDENTIAL SIGN - Any sign located in a district zoned for residential uses. **[Added 5-2-1998 STM by Art. 29]**

ROADSIDE STAND, PERMANENT - A structure open to the weather left in place year round, used for seasonal sale of raw produce the major portion of which is raised on the premises.

ROADSIDE STAND TEMPORARY - A structure as above, but removed for not less than six months out of the year.

ROOF - The exterior surface and it supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code. **[Added 5-2-1998 STM by Art. 29]**

ROOF LINE - The uppermost edge of the roof or in the case of an extended facade or parapet, the uppermost height of said facade. **[Added 5-2-1998 STM by Art. 29]**

ROOF SIGN - Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. ¹⁶ **[Added 5-2-1998 STM by Art. 29]**

ROOF SIGN, INTEGRAL - Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches. ¹⁷ **[Added 5-2-1998 STM by Art. 29]**

ROTATING SIGN - A sign or portion of a sign which turns about on an axis. **[Added 5-2-1998 STM by Art. 29]**

SCHOOL, NURSERY - A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

SCHOOL, OTHER COMMERCIAL - An educational facility, other than a nursery school or those covered by MGL c 40A § 3.

SCHOOL, OTHER – An educational institution which is religious, sectarian, denominational or public.

SCHOOL, PRESCHOOL - Includes child-care facility, pre-school and school-age child-care facility. **[Amended 12-10-1992 STM by Art. 1]**

SERVICE AREA CANOPY - Any structural protective cover that is not enclosed on any of its four sides and is provided for the service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to said dispensing or installation. **[Added 5-2-1998 STM by Art. 29]**

SERVICE AREA CANOPY SIGN - Any sign that is part or attached to the service area canopy. **[Added 5-2-1998 STM by Art. 29]**

SHADOW FLICKER: the moving shadows cast by rotating wind turbine blades that cause a flickering effect. **[Added 5-4-2013 ATM by Art. 19]**

¹⁶ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

¹⁷ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

SHIMMERING SIGNS - A sign which reflects an oscillating, sometimes distorted, visual image. **[Added 5-2-1998 STM by Art. 29]**

SIGN - Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests. ¹⁸ **[Added 3-25-1967 ATM by Art. 56; Amended 5-2-1998 STM by Art. 29]**

SIGN FACE - The surface of the sign upon, against or through which the message of the sign is exhibited. **[Added 5-2-1998 STM by Art. 29]**

SIGN STRUCTURE - Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign. **[Added 5-2-1998 STM by Art. 29]**

SIGN SURFACE AREA - As computed in § 198-26F. ¹⁹ **[Added 5-2-1998 STM by Art. 29]**

SITE - A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit. **[Added 5-2-1998 STM by Art. 29]**

SPANDREL - A roof-like structure that covers the gasoline pump dispenser below a service area canopy and which is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signage. **[Added 5-2-1998 STM by Art. 29]**

SOLAR PHOTOVOLTAIC ENERGY FACILITIES (SPEF) - LARGE-SCALE GROUND-MOUNTED: A solar photovoltaic system that is structurally or ballast mounted on the ground and has a minimum nameplate capacity of 250 kW (AC), which is designed to supply all of its electrical output for use off site. **[Added 5-4-2013 STM by Art. 8]**

SOLAR PHOTOVOLTAIC ENERGY FACILITIES (SPEF) - ON-SITE: A solar photovoltaic system that is structurally or ballast mounted on the ground at a location where other uses of the underlying property occur and the electrical output is primarily for use on site. **[Added 5-4-2013 STM by Art. 8]**

SPANDREL SIGN - any sign that is a part of or attached to the spandrel. **[Added 5-2-1998 STM by Art. 29]**

SPORTSMAN'S CLUB - A club whose primary purpose are conservation, hunting or fishing.

STABLE PUBLIC - A building in which two or more horses kept for remuneration hire or sale.

STREET - Either a public way or a way which the Town Clerk certifies is maintained and used as public way or a way shown on a plan therefore approved in accordance with the Subdivision Control Law,²⁰ or a way in existence when the Subdivision Control Law became effective in Fairhaven, having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon. Interstate Route 195 shall not be considered a "street" for the purpose of determining whether a yard constitutes a front yard.

STREET GRADE - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken at "street grade."

STRINGER - A line of string, rope, cording, or an equivalent to which is attached a number of pennants. **[Added 5-2-1998 STM by Art. 29]**

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground, or attached to something located on the ground, except a boundary wall or fence.

SUBSTANTIAL EVIDENCE: such evidence as a reasonable mind might accept as adequate to support a conclusion. **[Added 5-4-2013 ATM by Art. 19]**

¹⁸ Editor's note: The former definitions of "sign, accessory," "sign, area of" and "sign, nonaccessory" were deleted 5-2-1998 STM by Art. 29.

¹⁹ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

²⁰ Editor's note: See MGL c 41 section 81K et. Seq.

SUSPENDED SIGN - Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface. ²¹ **[Added 5-2-1998 STM by Art. 29]**

SURFACE WATER QUALITY CLASSIFICATIONS - Waters designated for protection under 314 CMR 4.04 (2). **[Added 5-1-1999 ATM by Art. 9]**

SWIMMING POOL - Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading or bathing purposes. Pools having a depth of four feet or more and having a capacity of 400 cubic feet or more shall be considered structures. **[Added 3-25-1967 ATM by Art. 57]**

TEMPORARY SIGN - Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only. Examples of such signs include, but are not limited to, the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal (holiday) signs, banners and portable billboard signs. **[Added 5-2-1998 STM by Art. 29]**

TEMPORARY STRUCTURES - An accessory tent or construction shanty to be used for less than one year. ²²

TOTAL SITE SIGNAGE - The maximum permitted combined area of all on-premise signs allowed on a specific property. **[Added 5-2-1998 STM by Art. 29]**

TRANSPORTATION TERMINAL - Premises for the parking and/or servicing of commercial vehicles.

TR-20 - A NRCS hydrology procedure for complex watersheds. The computer program calculates runoff volumes, peak discharges and hydrographs at various locations in the watershed. Design storms and actual rainfall events can be analyzed. **[Added 5-1-99 ATM by Art. 9]**

TR-55 - presents simplified hydrology procedures to calculate runoff volumes and peak discharge in small watersheds. It is based on TR-20 hydrology procedures and actual TR-20 computer runs. **[Added 5-1-99 ATM by Art. 9]**

USE - The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

UTILITY TRAILER - A towed vehicle for transportation of goods or animals but not intended for human occupancy. **[Added 3-22-1969 ATM by Art. 56]**

VISIBLE - Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid. **[Added 5-2-1998 STM by Art. 29]**

WALL - Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60° or greater with the horizontal plane. **[Added 5-2-1998 STM by Art. 29]**

WALL SIGN - Any building sign attached parallel to, but within 16 inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. ²³ **[Added 5-2-1998 STM by Art. 29]**

WAREHOUSE - Indoor storage of goods for distribution but not for sale on the premises.

WHOLESALE - Sale of commodities in quantity for resale or further processing.

WIND ENERGY FACILITY (WEF): all equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical

²¹ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

²² Editor's note: The former definition of "tourist home," which immediately followed this definition, as added 3-25-1967 ATM by Art. 57, was deleted 4-16-1975 by Art. 57. The former definitions of "trailer" and "trailer park" were deleted 3-22-1969 ATM by Art. 56.

²³ Editor's note: This definition also includes drawings, which help illustrate its provisions. Said drawings are found in Appendix B at the end of this chapter.

generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads. **[Added 5-4-2013 ATM by Art. 19]**

WIND ENERGY FACILITY (WEF) - BUILDING INTEGRATED: a WEF shall be considered to be building integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building. **[Added 5-4-2013 ATM by Art. 19]**

WIND ENERGY FACILITY (WEF) - ON-SITE: a WEF that will generate electricity to provide for the on-site load and may be grid-tied with a total rated nameplate capacity not to exceed 200kW. **[Added 5-4-2013 ATM by Art. 19]**

WIND ENERGY FACILITY (WEF) - SMALL WIND ENERGY SYSTEM: all equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, and one or more wind turbines, which have a total rated nameplate capacity of not more than 10kW. **[Added 5-4-2013 ATM by Art. 19]**

WIND ENERGY FACILITY (WEF) - UTILITY SCALE: a commercial WEF, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets. **[Added 5-4-2013 ATM by Art. 19]**

WINDOW SIGN - Any building sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. **[Added 5-2-1998 STM by Art. 29]**

WIRELESS COMMUNICATION FACILITY - A freestanding tower or monopole, or an antenna array attached to the roof or highest point of an existing building or structure, including accessory antennas, structures, cables and equipment, if any, which facilitate the provision of wireless communication services. **[Added 11-6-1997 STM by Art. 20]**

WIRELESS COMMUNICATION SERVICES - The provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service. **[Added 11-6-1997 STM by Art. 20]**

YARD - A unoccupied space, open to the sky, on the same lot with the building or structure.

YARD, FRONT - The required open unoccupied space within the lot extending the full width of the lot and located between the street line and the minimum district "front yard" requirement. Eaves and stairs are exempt from this requirement. **[Amended 12-10-1992 STM by Art. 1]**

YARD, REAR - The required open unoccupied space within the lot extending the full width of the lot and located between the rear line of the lot and the minimum district "rear yard" requirement. Eaves and stairs are exempt from this requirement. **[Amended 12-10-1992 STM by Art. 1]**

YARD, SIDE - The required open unoccupied space extending from the side lot line the full width of the minimum district side yard requirement and located between the minimum district front and rear yard requirement. Eaves and stairs are exempt from this requirement. **[Amended 12-10-1992 STM by Art. 1]**