

# General Bylaws amendments

## Chapter 108 Animals

**[HISTORY: Adopted by the Town of North Attleborough as indicated in article histories. Amendments noted where applicable.]**

### Article I Animal Control

**[Adopted as Art. VIII of the Bylaws]**

#### § 108-1 Purpose.

This article is adopted by the Town for the control and restriction of animals and pets within the Town.

#### § 108-2 Definitions.

##### **Adoption**

The delivery of an animal to any person 18 years of age or older for the purpose of harboring as a pet.

##### **Animal**

Every nonhuman species of animal, both domestic and wild.

##### **Animal shelter**

Any facility operated by a humane society, or municipality or its authorized agent, for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

##### **Dangerous Animal**

A animal that either:

- A. Without justification, attacks a person or domestic animal, causing physical injury or death; or
- B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to one or more persons, domestic or owned animals.

##### **Animal**

Any animal of the canine species.

##### **Loose Animal**

Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner or the keeper.

##### **Domestic Animal**

Any animal designated as domestic by regulations promulgated by the Department of Fish and Game.

##### **Grooming Establishment**

A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

**Keeper**

Any person, business, corporation, entity, or society, other than the owner, harboring or having possession of a animal.

**Kennel**

A pack or collection of animals or cats on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel (*see Zoning Bylaws for definitions*).

**Owner**

Any person, partnership, or corporation owning, keeping, or harboring one or more animals. A animal shall be deemed to be harbored if it is fed or sheltered for seven consecutive days or more.

**Public Nuisance**

Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- A. Is repeatedly found at large.
- B. Damages the property of anyone other than its owner.
- C. Molests or intimidates pedestrians or passersby.
- D. Chases vehicles.
- E. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored (except where the location of the harbored animal is a licensed boarding or breeding kennel).
- F. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- G. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- H. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
- I. Attacks other domestic animals.
- J. Has been found by the Animal Control Officer/Chief of Police, after notice to its owner, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.
- K. Is a female animal in heat not confined to a building or secure enclosure; or
- L. Has bitten any person.

§ 108-3 **Animal licensing.**

- A. The owner or keeper of a animal within the Town of North Attleborough six months old or over shall cause it to be licensed during each license period and pay the fee therefor. The licensing of a animal shall be conducted through the office of the Town Clerk.
- B. The annual license period shall commence on April 1 of each year and terminate thereafter on March 31. During the license period, the owner or keeper of the licensed animal shall cause it to **always** wear around its neck or body a collar or other suitable material to which is securely attached **a current rabies tag** and a tag in the form established by the Town Clerk, and upon which shall appear the license number, license year, and name of the Town. A substitute tag for a lost tag can be obtained from the Town Clerk for a fee of \$5. The license fee shall be:
- (1) Male animal: \$20.
  - (2) Female animal: \$20.
  - (3) Spayed female or neutered male: \$10.
- C. Any license purchased on or after May 1 of each year shall include a late charge of \$25, unless proof, such as a bill of sale or affidavit or similar document, can be shown that the animal was purchased or brought into Town within the previous 60 days. No license fee or part thereof is refundable. There shall be no license fee charged for:
- (1) **A service animal specifically trained to provide a service. Animals that are trained to assist the physically handicapped, or other service animals as defined by the Americans with Disabilities Act or governmental police animals.**
  - (2) **Animal owners over the age of 70 (1 animal per household). ALREADY AMENDED**
  - (3) **Disabled veterans and/or their surviving spouse (as defined by VA benefits).**
- D. The Town Clerk shall not grant a license for any animal unless the owner or keeper thereof provides a veterinarian's certificate of vaccination in accordance with MGL c. 140, § 145B, or a certificate of exemption pursuant to MGL c. 140, § 145B; and a certificate from a veterinarian shall be required for a spayed female or neutered male. The license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Town Council. This subsection shall not apply to a person to whom a valid kennel license has been issued.
- E. **Kennel licenses. See MGL c. 140, § 137A, and inspections, MGL c. 140, § 137C. This subsection shall include commercial boarding or training kennels issued by the Town Clerk and the annual fees shall be in accordance with chapter 108-3(B). Such kennel license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Town Council. ALREADY AMENDED**
- F. The Animal Control Officer may at any time inspect any facility commercial boarding and training kennels, charitable kennels, kennels, and, if in his/her judgment it is not being maintained in a sanitary and humane manner, shall file a request to revoke or suspend said license with the Town Manager, who shall act in accordance with MGL c. 140, § 137C.
- G. This section shall not apply to any pet shop licensed under MGL c. 129, § 39A.
- H. Any license or kennel license of any kind herein defined held by any person found guilty of or having admitted sufficient facts or penalized for cruelty to animals or for possessing or training a fighting

animal shall be void as of the date thereof and shall be immediately surrendered to the Town Clerk, together with any tag thereunder. No new license or new kennel license shall be issued to such person for five years after the date of the surrender of the license or kennel license.

I. The fee for all licenses hereunder shall be set by Town Council.

**§ 108-4 Animal Control Officer.**

- A. Animal Control Officer shall be appointed by the Town Manager subject to Article IV of the Charter.
- B. The Town Manager shall annually within 10 days after June 1 in each licensing year issue a warrant to the Animal Control Officer directing him/her to catch and confine all animals within the Town that have not been licensed and tagged as hereinabove required, to file and prosecute complaints for failure to comply with this section against the owners or keepers ~~thereof, and to destroy by approved methods each animal which has been detained for a period of at least seven days, provided that the Animal Control Officer may make available for adoption any animal not found to be diseased for such sum as is approved by the Town Manager.~~ Any animal so adopted shall be licensed before delivery to the purchaser. The Animal Control Officer shall keep and maintain records required by the Town Council for each confined animal (MGL c. 140, § 151A).
- C. Each owner or keeper of a animal, cat, or ferret that is six months of age or older shall cause such animal, cat, or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to manufacturer's directions and shall cause such animal, cat, or ferret to be revaccinated at intervals as recommended by the manufacturer. In accordance with MGL c. 140, § 145B(a) to (f), whoever violates this section shall be punished by a fine of not more than \$100.
- D. ~~Any owner or keeper of a animal who shall fail to comply with any order of the Animal Control Officer or fail to comply with this section shall be punished by a fine of \$50 for a first offense in the calendar year, \$100 for second offense in the calendar year, \$150 for a third offense in the calendar year and \$200 for a fourth or subsequent offense in the calendar year. This section follows MGL c. 140, § 174E.~~

**§ 108-5 Miscreant animal or pet.**

In accordance with MGL c. 140, § 157, in part: The Animal Control Officer shall investigate or cause the investigation of any complaint to determine whether a animal is a nuisance or a dangerous animal in accordance with MGL c. 140, § 157.

**Motor vehicles; striking, injuring or killing animals or cats**

~~The operator of a motor vehicle that strikes and injures or kills a animal or cat shall forthwith report such a~~

~~accident to the owner or custodian of said animal or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than \$100 for a first offense or not more 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.~~

**§ 108-6 Restraints.**

- A. No person owning or keeping a animal within the Town shall permit it to go at large on public ways, parks, playgrounds, school yards, or public properties, or buildings unless it is restrained or controlled by a leash of suitable material and being not more than six feet in length and as further restricted pursuant to MGL c. 140, § 174E.

- B. Any working animals, such as police animals, farm animals, guide animals, or hunting animals, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the animal is assigned.
- C. Any owner or keeper of a animal who shall fail to comply with any order of the Animal Control Officer or fail to comply with this section shall be punished by a fine of \$50 for a first offense in the calendar year, \$100 for second offense in the calendar year, \$150 for a third offense in the calendar year and \$200 for a fourth or subsequent offense in the calendar year. This section follows MGL c. 140, § 174E.
- D. The Animal Control Officer shall apprehend and confine all animals observed by him/her within the limits of the Town in violation of this section. He shall forthwith release any animal so confined if duly licensed to its owner or keeper upon payment to the Animal Control Officer of \$50, together with the sum of \$25 for each day or fractional portion thereof of such confinement. Such payment shall be considered reimbursement for the time and expense necessary to prevent further violation of this bylaw and shall not bar proceedings under Subsection C of this section. The Animal Control Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Town Manager.

#### § 108-7 **Removal of waste.**

It shall be the duty of each person who owns, possesses, controls, or harbors a animal(s) to remove and dispose of any feces left by his/her animal(s) on any public area within the Town of North Attleborough or any private property neither owned nor occupied by said person. This regulation shall not apply to a animal accompanying a handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section or to any person who utilizes a service animal. Violation of this section shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-3.

#### **108-8 Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties. MGL 140 sec. 174F**

- (a) A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
- (b) After making reasonable efforts to locate a motor vehicle's owner, an animal control officer, as defined in section 136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.
- (c) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.
- (d) An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or fire fighter shall be immune from criminal or civil liability that might otherwise result from the removal.
- (e) After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or

calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.

(f) A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.

(g) A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a fine of not more than \$500 for a third or subsequent offense.

(h) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

(i) A city or town shall enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in section 21D of chapter 40.



## ZONING BYLAW DEFINITIONS AMENDMENT

### § 290-54 Selected words and terms.

The following definitions shall be applied in determining the meaning of words and terms in this bylaw:

#### **ABANDONMENT**

The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot, or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

#### **ACCESSORY BUILDING**

A subordinate building located on the same lot with the principal building or use, the use of which is customarily incidental to that of the main building or the use of the land.

#### **ACCESSORY USE**

A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use. Swimming pools shall be considered an accessory use and shall be treated as a structure in regard to setbacks and side yard requirements.

#### **ADULT BOOKSTORE**

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

#### **ADULT CABARET**

A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31; or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

#### **ADULT MATTER**

Any printed material, visual representation, live performance or sound recording, including, but not limited to, books, magazines, motion-picture films, pamphlets, phonographic records, pictures, photographs, videos, computer software, computer discs, laser discs, figures, statues, plays, or dances which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

#### **ADULT MOTION-PICTURE THEATRE**

An enclosed building used for presenting material distinguished by an emphasis on adult matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.

### **ADULT PARAPHERNALIA STORE**

An establishment having as a substantial or significant portion of its stock devices, objects, tools, toys, or other adult matter which is distinguished or characterized by its association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

### **ADULT RETIREMENT COMMUNITY (ARC)**

A development subject to the age restriction and the other standards set forth in § 290-33, as authorized by special permit and the special permit granting authority. All of the land within an ARC shall be within one, or a combination of, the R-10, R-10S, R-15 or R-20 Districts.

### **ADULT VIDEO STORE**

An establishment having a substantial or significant portion of its stock-in-trade videos, movies, or other film material, or other adult matter which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. For the purposes hereof, the words "substantial or significant" shall mean more than 25% of the establishment's inventory of stock or more than 25% of the establishment's gross floor area.

### **ALTERATIONS**

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

### **ANIMAL FEEDLOT**

A plot of land on which ten or more livestock per acre are kept for the purposes of feeding.

### ~~**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 operated or not.~~ **REMOVE**

### **APARTMENTS**

A building containing more than two dwelling units complete with kitchen facilities and bath.

### **AQUIFER**

A geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable ground water to public or private wells.

### **AREA, BUILDING**

The total of areas taken on a horizontal plane at the largest floor level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

### **AREA, NET SITE**

The total area within the property lines, excluding external streets.

### **ASSISTED LIVING FACILITY**

A residential development offering a special combination of housing, personalized supportive services as defined by MGL c. 19D and health care designed to respond to the individual needs of those who need help in activities of daily living.

**CELLAR**

A portion of a building, partly or entirely below grade, which has half or more than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

**CEMETERY**

Premises for the cremation and/or burial of the dead, including embalming facilities.

**CERTIFICATE OF OCCUPANCY**

A certificate issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings.

**[Amended 8-29-2023 by Measure No. 2023-079]**

**CLUB**

Premises or building of a nonprofit 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 membership and purposes of such club. Does not include golf clubs or sportsmen's club as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.

**COMMERCIAL ANIMAL ESTABLISHMENT**

**Any pet shop, grooming shop, riding school or stable, boarding or breeding kennels, or any establishment selling or harboring animals.**

**COMMERCIAL BOARDING OR TRAINING OR DOGGIE DAYCARE KENNEL**

**An establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL c. 129, § 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards and cares for animals owned by others.**

**COMMERCIAL BREEDER KENNEL**

**An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.**

**CONTRACTOR'S YARD**

Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabricating of subassemblies, and parking of wheeled equipment.

**DISPOSAL**

The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

**DISTRIBUTION**

On-site storage of a material or product for shipment or transportation to another site or sites.

## **PERSONAL KENNEL**

A pack or collection of more than four dogs, three months or older, owned or kept under single ownership, of private personal use; provided, however, that breeding of personally kept dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering, or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers, or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; provided, further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.

## **PET SHOP**

Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

## **PRINCIPAL USE**

The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

## **PUBLIC HOUSING**

Housing facilities constructed by the raising of public funds for use by special classes of citizens, such as homes for the aged or infirm.

## **PUBLIC UTILITY**

Utility licensed by the Department of Public Works to supply gas, electricity, transportation, etc.

## **PUBLIC UTILITY SERVICE AREA**

An area used for bulk storage, exposed shipment, or truck parking.

## **RECHARGE AREA**

Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

## **RECREATION, INDOOR COMMERCIAL**

Theater, bowling alley, or other commercial, recreation or entertainment carried on in an enclosed building, including an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized or club/franchised sports (but not including professional adult sports teams on a permanent basis), including but not limited to ice hockey, basketball, wrestling, soccer, lacrosse, tennis, volleyball, racquetball or handball. Such sports facility may also provide within the building other athletic, health and fitness activities (not to exceed 40,000 square feet) snack bar, cafe, or nonfranchise restaurant (not to exceed 5,000 square feet) or other related supporting activities (not to exceed 13,000 square feet).

## **STRUCTURE**

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

## **SUBDIVISION CONTROL LAW**

Refers to MGL c. 41, § § 81K to 81GG, inclusive, entitled "Subdivision Control," including all subsequent amendments thereto.

## **SUBSTANTIALLY DIFFERENT USE**

A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

## **TEMPORARY STRUCTURE**

An accessory tent or construction shanty to be used for less than one year.

## **TRANSIT ORIENTED DEVELOPMENT**

An overlay district that allows vertical mixed use (including retail, office and attached multifamily residential) adjacent to a regional bus transfer facility and designed specifically for pedestrian, transit and bike users.

## **TRANSPORTATION TERMINAL**

Premises for the parking and/or servicing of more than three commercial vehicles, or any number of vehicles of over two-ton load capacity.

## **TRAVEL TRAILER**

A vehicular, portable structure built on a chassis, designed to be used for travel, recreational, and vacation uses.

## **TRAVEL TRAILER PARK**

Privately owned land upon which two or more travel trailers are parked for recreational and vacation use.

## **USES**

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.

## **VETERINARY CLINIC AND/OR HOSPITAL**

**A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.**

## **VISUAL MATERIAL**

Any motion-picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion-picture films, videotapes and similar visual representations or reproductions may be visual materials, notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.