

Part I: Administrative Legislation

AMESBURY CODE

Chapter 1

GENERAL PROVISIONS

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

ARTICLE I

Construction and Penalties

[Adopted as Art. 10 of the 1990 Bylaws; amended in its entirety 7-13-2010 by Bill No. 2010-057]

§ 1-1. Enforcement; general penalty.

- A. Criminal complaint. Whoever violates any provision of these ordinances may be penalized by a complaint brought in the District Court or by indictment. Except as otherwise provided by law, or as the District Court may see fit to impose, the maximum penalty for each violation or offense shall be \$300.
- B. Noncriminal disposition. Whoever violates any provision of these ordinances, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided by MGL c. 40, § 21D. This method may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. For purposes of noncriminal disposition, the penalty for a violation of an ordinance or regulation for which a specific penalty has not otherwise been provided shall be \$100.

§ 1-2. Specific penalties.

It is the intention of this provision that the following ordinances and regulations and sections of those ordinances are to be included within the scope of this section, that the specific penalty as listed here shall apply in such cases and that, in addition to police officers, who shall in all cases be considered persons entitled to enforce for the purposes of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections, and each day on which any violation exists shall be deemed a separate offense.

- A. Chapter 204, Animals.
 - (1) Article I, Licensing and Control (Animal Control Officer).
 - (a) Section 204-8, Leash violation: \$10 first offense; \$25 each subsequent.
 - (b) Section 204-15, Unspayed female dogs: \$50.
 - (2) Article II, Vicious Dogs.
 - (a) Section 204-25A: \$10.
 - (b) Section 204-25B: \$25 first offense; \$50 second offense.
 - (c) Section 204-25C: \$25 first offense; \$50 second offense.
- B. Chapter 303, Hunting: \$50.
- C. Chapter 326, Lakes, Rivers and Ponds: \$300.
- D. Chapter 360, Peace and Good Order.
 - (1) Section 360-14, Failure to stop for red traffic signal: \$100.
 - (2) Section 360-17, Public consumption of alcoholic beverages: \$200.
- E. Chapter 421, Trailers and Mobile Structures: \$20.

F. Chapter 439, Vehicles and Traffic.

(1) Article I, Unregistered Vehicles (Building Commissioner): \$200.

(2) Article II, Motorized Vehicles: \$200.

G. Chapter 453, Water and Sewers.

(1) Article I, Water Supply Use and Sale: \$50 first; \$100 each subsequent.

H. Other ordinances: as stated or \$100.

§ 1-3. Rules of construction.

In the construction of this Code, the following rules shall be observed, unless the context or subject matter requires otherwise:

- A. Number and gender. Words imparting the singular number may extend and be applied to several persons or things, and words imparting the plural number may include the singular. Words imparting the masculine gender shall include the feminine gender.
- B. Person. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or bodies corporate or politic and all entities of any kind capable of being sued unless plainly inapplicable.
- C. Acts by agents. When a provision requires an act to be done which may by law as well be done by any agent as by the principal, such provision shall be construed to include all such acts when done by an authorized agent.
- D. Tense. Words used in the present tense include the future.
- E. Shall and may. The word "shall" is mandatory and not directive. The word "may" is permissive.

ARTICLE II
Adoption of Code
[Adopted 7-13-2010 by Bill No. 2010-057]

§ 1-4. Adoption of Code.

The ordinances of the city known as the Town of Amesbury of a general and permanent nature adopted by the Municipal Council and the bylaws adopted by the Town Meeting of the Town of Amesbury, all as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 460, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Amesbury Municipal Code, hereinafter known and referred to as the "Code."

§ 1-5. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent bylaws and ordinances enacted prior to the enactment of this Code, except such bylaws and ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-6. When effective.

This ordinance shall take effect fifteen days after adoption in accordance with the provisions of the Town Charter.

§ 1-7. Inclusion of ordinance in Code.

This ordinance shall, upon adoption, be included in the Code as Chapter 1, General Provisions, Article II, Adoption of Code.

§ 1-8. Copy of Code on file.

A copy of the Code shall be maintained in the office of the City Clerk and shall remain there for use and examination by the public.

§ 1-9. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in accordance with the Town Charter, shall be deemed to be incorporated into such Code so that reference to the Amesbury Municipal Code shall be understood and intended to include such additions and amendments.

§ 1-10. Sale of Code book.

Copies of the Code may be purchased from the Clerk upon the payment of a fee to be set by the Municipal Council, which may also arrange for procedures for the periodic supplementation thereof.

§ 1-11. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Amesbury to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a penalty as set forth in Chapter 1, Article I, of the Code.

§ 1-12. Severability.

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-13. Repeal of bylaws and ordinances.

All bylaws and ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

§ 1-14. Bylaws and ordinances saved from repeal.

The adoption of this Code and the repeal of bylaws and ordinances provided for in § 1-15 of this ordinance shall not affect the following bylaws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any bylaw or ordinance adopted on or subsequent to November 18, 2008.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any bylaw or ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.
- G. Any bylaw, ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Bylaws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plans.

- K. Any bylaw or ordinance providing for salaries or compensation for municipal officers and employees.
- L. The Zoning Bylaw and Zoning Map and any amendments thereto.
- M. Any ordinance or bylaw or portion thereof establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-15. Changes in previously adopted ordinances.

- A. In compiling and preparing the bylaws and ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said bylaws and ordinances. It is the intention of the Municipal Council that all said changes be adopted as part of the Code as if the bylaws and ordinances so changed had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
 - (1) All references to the "Town" are amended to "City" except where the full title "Town of Amesbury" is used.
 - (2) All references to "Council" are amended to "Municipal Council."
 - (3) All references to "Building Inspector" are amended to "Building Commissioner."
- C. In addition, the amendments and/or additions as set forth in Schedule A¹ attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the bylaws and ordinances as they have been renumbered and appear in the Code.)

1. Editor's Note: In accordance with § 1-15C, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article II. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 7-13-2010 by Bill No. 2010-057." Schedule A, which contains a complete description of all changes, is on file in the City offices.

AGING, COUNCIL ON

Chapter 7

AGING, COUNCIL ON

[HISTORY: Adopted by the Town of Amesbury as Art. 26 of the 1990 Bylaws; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Subsequent amendments noted where applicable.]

§ 7-1. Authority and purpose.

Under the provisions of MGL c. 40, § 8B there is hereby established a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Department of Elder Affairs established under MGL c. 19A.

§ 7-2. Membership; terms of office.

The Council on Aging shall consist of 11 members to be appointed by the Mayor for a period of three years. At least three of the 11 members appointed shall have attained the age of 60 years.

§ 7-3. Records.

The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the Council on Aging shall not be public records, but the use of these records shall comply with MGL c. 19A, §§ 14 to 24, inclusive, as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.

AMESBURY CODE

Chapter 8

AMESBURY HOUSING TRUST

[HISTORY: Adopted by the City Council of the City of Amesbury 5-12-2021 by Bill No. 2021-065. Amendments noted where applicable.]

§ 8-1. Authority; creation; purpose.

Pursuant to the authority of MGL c. 44, § 55C, there is hereby created a local municipal affordable housing trust fund to be known as the "Amesbury Housing Trust" (the "Trust"). The purpose of the Trust is to provide for the creation and preservation of affordable housing in the City of Amesbury for the benefit of low- and moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B.

§ 8-2. Board of Trustees; compensation; terms of office; residency; vacancies.

- A. There shall be a Board of Trustees (the "Board"), consisting of no fewer five and no more than nine Trustees, appointed by the Mayor with City Council approval. At least one of the Trustees shall be a member of the City Council, who shall serve as the representative of the City Council.
- B. Notwithstanding anything to the contrary herein, and even if Massachusetts law would otherwise allow for the Trustees to be compensated, the Trustees of this Trust shall receive no salary and shall remain uncompensated for their services, in keeping with the volunteer nature of the service to Amesbury rendered by many of the other boards and commissions appointed to serve the City of Amesbury. However, if authorized by rule or regulation lawfully adopted by the Trustees, Trustees may receive reimbursement of their reasonable and lawful expenses.
- C. The Trustees shall be appointed for a two-year term, such term to end on April 30 of the expiration year or until such time as a successor is appointed, should said appointment be delayed. Two of the initial Trustee appointments shall be for a term of one year, and may be reappointed at the discretion of the Mayor with City Council approval. Trustees may be appointed for no more than five consecutive terms. In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.
- D. All Trustees must be current residents of Amesbury upon initial appointment. Any Trustee who ceases to be a resident of the City of Amesbury shall promptly provide a written notification of the change in residence to the Board and to the City Clerk. Said Trustee may continue to serve with the approval of the remaining Trustees, and may be reappointed by the Mayor with City Council approval.
- E. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the City Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Mayor with City Council approval to fill such vacancy, provided that in each case the appointment and acceptance in writing by the Trustee so appointed is filed with the City Clerk. No such appointment shall be required so long as there are five Trustees then in office. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

§ 8-3. Meetings of Trustees.

- A. The Board shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chairperson or by any two Trustees. Notice of any meeting of the Trust shall be filed with the City Clerk and posted in accordance with the Open Meeting Law, MGL c. 39, §§ 23A, 23B and 23C.²
- B. A quorum of the Board of Trustees shall be the majority of the number of authorized Trustees.

- C. The Trustees shall regularly elect one Trustee who shall not be a member of the City Council to serve as Chairperson. The Chairperson may establish subcommittees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the subcommittees may be selected by the members of the subcommittees.
- D. If any Trustee is absent from five consecutive regularly scheduled meetings of the Trust, except in the case of illness, his/her position shall be deemed vacant and shall be filled with a new appointment as set forth above.

§ 8-4. Acts of Trustees.

A majority of the Trustees may exercise any or all of the powers of the Trustees hereunder, provided that a quorum is present, and may execute on behalf of the Trust any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust estate.

§ 8-5. Power of Trustees.

- A. The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of MGL c. 44, § 55C, as outlined below, except that it shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Amesbury City Council with Mayoral approval:
 - (1) To accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public entity or organization or tendered to the Trust in connection with provisions of any ordinance or bylaw or any General Law or Special Act of the commonwealth or any other source, including money from MGL c. 44B.
 - (2) With City Council and Mayoral approval of a Trustee recommendation, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable, notwithstanding the length of any such lease or contract.
 - (3) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust.
 - (4) With City Council and Mayoral approval of a Trustee recommendation, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral to the extent of the Trust's assets, and, subject to 2/3 vote at any regular or special City Council meeting with Mayoral approval, to do the same for greater than the extent of the Trust's assets.
 - (5) To construct, manage or improve real property, and to abandon any property which the Trustees

2. **Editor's Note:** Massachusetts General Laws c. 44, §§ 23A, 23B and 23C, were repealed by St. 2009, c. 28, § 20, approved 7-1-2009, and by § 106 made effective 7-1-2010. For current provisions on open meetings, see MGL c. 30A, §§ 18 through 25.

determine not to be worth retaining.

- (6) With City Council and Mayoral approval of a Trustee recommendation, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income.
- (7) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate.
- (8) To become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Municipal Affordable Housing Trust Fund.
- (9) To monitor the expiring use of any affordable housing in Amesbury.
- (10) To compensate City employees for services provided as authorized by the Mayor, including, but not limited to, dedicated staff to Trustees, engineering support for project specific activities, and other City services, as requested by the Trustees to the Mayor.
- (11) To employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary.
- (12) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable.
- (13) To participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or entity.
- (14) To apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise.
- (15) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate.
- (16) To carry property for accounting purposes other than acquisition date values.
- (17) To make distributions or divisions of principal in kind.
- (18) To extend the time for payment of any obligation to the Trust.
- (19) To establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes.
- (20) To compromise, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this chapter, to continue to hold the same for such period of time as the Trustees may deem appropriate.

B. Notwithstanding anything to the contrary herein, City Council and Mayoral approval shall be required

for any of the following actions:

- (1) To purchase real or personal property;
 - (2) To sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
 - (3) To borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.
- C. Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by a 2/3 vote at any regular or special Amesbury City Council Meeting with Mayoral approval.
- D. The Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and MGL c. 44, § 55C.

§ 8-6. Treasurer/Collector as custodian.

- A. The City of Amesbury Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by MGL c. 44, §§ 55 (Public funds on deposit; limitations; investments), 55A (Liability of depositor for losses due to bankruptcy), and 55B (Investment of public funds).
- B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.
- C. Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of MGL c. 44, § 55C. The yearly approved budget, and any approved budget revisions will be recorded by the City Treasurer/Collector.
- D. As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees. In accordance with MGL c. 44, § 55C, the books and records of the Trust shall be audited regularly by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the City audit.

§ 8-7. Liability of Trust.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the City, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of MGL c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of MGL c. 268A.

§ 8-8. Duration of Trust.

- A. This Trust shall continue so long as authorized under the laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, the Trust may be terminated by a majority vote of the City Council in accordance with MGL c. 4, § 4B, provided that an instrument of termination together with a certified copy of the City Council vote are duly recorded with the Essex North District Registry of Deeds and the Land Court.

- B. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the City and held by the City for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the City Council, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind.
- C. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

§ 8-9. Amendment of Trust.

This declaration of Trust may be amended from time to time except as to those provisions specifically required under MGL c. 44, § 55C, by instrument in writing signed by the City Council and by 2/3rds of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Essex South District Registry of Deeds and filed with the Land Registration Office.

BOARDS, COMMISSIONS AND COMMITTEES

Chapter 12

BOARDS, COMMISSIONS AND COMMITTEES

**[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I
Board of Trustees of War Memorials
[Adopted 12-9-2014 by Bill No. 2014-132]

§ 12-1. Authority; establishment.

The City Council votes to establish bylaws for the purposes of defining and governing the operation, organization, and authority of the Amesbury Board of Trustees of War Memorials pursuant to M.G.L. c. 41, § 105.

§ 12-2. Bylaws.

- A. Article I: Duties, Responsibilities, and Authority. The City of Amesbury's Board of Trustees of War Memorials, herein known as the "Board," shall have charge and control of the construction of any memorial in Amesbury commemorating the services and sacrifices of soldiers, sailors, marines, and airmen who are veterans of war, or persons who have rendered military service for the commonwealth in time of war, and the Board shall have custody and care of such memorials after their construction.
- B. Article II: Membership and Organization. The Board shall consist of the Mayor and five members appointed by him and approved by the Council, three of whom shall be veterans and two of whom shall not be veterans of any war. An employee of the City of Amesbury may serve on the Board, provided that such service is appropriate and consistent with the duties and responsibilities attributed to the employee by virtue of the office held by said employee, and provided that such service is beneficial to Amesbury and that such service is in compliance with all laws and regulations of the United States, of the commonwealth, and of the City of Amesbury. The term of a Trustee shall not exceed three years.
- C. Article III: Application of Bylaws. These bylaws shall not supersede M.G.L. c. 41, § 105, or any existing laws or regulations of the United States or of the commonwealth, nor shall they supersede any existing bylaws, ordinances, or regulations of the City of Amesbury. The provisions of these bylaws are severable, and if any clause, sentence, paragraph, or article is deemed invalid by the City Council or another proper authority, such judgment shall not affect, impair, or invalidate the remainder thereof. These bylaws shall be effective immediately upon City Council approval, and shall only be amended with the approval of the Board and of the City Council by a simple majority of each respective body.

ARTICLE II
Traffic and Transportation Commission
[Adopted 10-13-1998 by Bill No. 98-140]

§ 12-3. Organization.

- A. The Amesbury Traffic and Transportation Commission shall consist of seven members appointed by the Municipal Council and shall be constituted as follows:
 - (1) One member from the Municipal Council.
 - (2) One member from the Amesbury Police Department.
 - (3) One member from the Amesbury Engineering Department or from the Amesbury Department of Public Works.
 - (4) One member from the Amesbury Office of Economic and Community Development.
 - (5) Three members from the general public.
- B. The members of the Amesbury Traffic and Transportation Commission shall serve three-year terms arranged as defined by the Amesbury Home Rule Charter, Section 9-5(a).
- C. The Amesbury Traffic and Transportation Commission shall conform to all provisions of the Amesbury Home Rule Charter with specific attention to Section 9-5, to all state, county, and City ordinances which deal with boards, committees, and commissions and the activities related thereto.

§ 12-4. Powers and duties. [Amended 12-8-2015 by Bill No. 2015-081]

- A. The Amesbury Traffic and Transportation Commission shall have the authority to make recommendations for traffic and transportation alterations to the City Council consistent with Chapter 90 of the Massachusetts General Laws and the Amesbury Traffic and Parking Code, as well as any other duties prescribed to it by City Council, by the Bylaws and Ordinances of the City of Amesbury, by Administrative Order from the office of the Mayor of the City of Amesbury, or by regulation by any other authority having competent jurisdiction. Any such recommendations, if enacted by the City Council, shall be subject to approval by the Mayor pursuant to Section 2-8 of the City Charter.
- B. The Amesbury Traffic and Transportation Commission shall have the power to review all plans for the improvements to any and all roadways and highways in the City of Amesbury prior to final design and shall make written recommendations to the City Council for review and approval. If adopted by the City Council and approved by the Mayor pursuant to Section 2-8 of the City Charter, said recommendations shall be binding and shall be incorporated into the final designs implemented.

§ 12-5. Responsibilities. [Amended 12-8-2015 by Bill No. 2015-081]

- A. It shall be the responsibility of the Amesbury Traffic and Transportation Commission to provide guidelines for the safe and efficient movement of traffic of all types and configurations throughout the City of Amesbury and to establish and regularly update the Amesbury Traffic and Parking Code³ for said City. All updates, alterations, and additions to the Amesbury Traffic and Parking Code shall be subject to the review and approval by the City Council and the Mayor pursuant to Section 2-8 of

3. Editor's Note: See Ch. 439, Vehicles and Traffic, Part 3, Traffic and Parking.

the City Charter.

- B. The Amesbury Traffic and Transportation Commission shall periodically review the Traffic and Parking element of the Master Plan of the City of Amesbury and make recommendations for revisions thereto. Said recommendations shall identify obsolete or inadequate roadways, record all alterations to traffic and transportation since the previous review, and define necessary improvements and additions to the roadways to facilitate local and regional traffic demands. All recommended revisions to the Traffic and Parking element of the Master Plan shall be subject to the review and approval by the City Council, in consultation with the City's public safety officers.
- C. The Amesbury Traffic and Transportation Commission shall respond to any and all public complaints regarding traffic concerns and shall make public all actions pertaining to said complaints. Decisions related to such public complaints made by vote of the Amesbury Traffic and Transportation Commission shall be final and shall not require ratification from the City Council, provided that no other method or process for the making of such decisions is identified by law, regulation, ordinance, bylaw, or otherwise superseding authority. However, complainants may appeal a decision to the City Council within 60 days of the implementation of said decision upon which appeal the City Council shall have the authority to rescind, amend, or uphold the actions of the Amesbury Traffic and Transportation Commission.
- D. The Amesbury Traffic and Transportation Commission shall be responsible to review and make recommendations on all signage relating to traffic control within the City including but not limited to regulatory signs, informational signs, and cautionary signs, which recommendations shall be subject to review and final approval by the DPW Director or his designee, in consultation with the City's public safety officers. Any decision related to such recommendations made by the DPW Director or his designee may be appealed to the City Council within 60 days of the rendering of said decision. Any decision by the City Council shall be subject to Section 2-8 of the Amesbury Home Rule Charter.
- E. The Commission shall adopt regulations to provide for appropriate notification to affected abutters.
- F. The Traffic and Transportation Commission shall provide cooperation with other boards, especially the Planning Board, in assessing the impact on traffic flow volumes, patterns, and levels of service resulting from new project developments.
- G. The Amesbury Traffic and Transportation Commission may, at its discretion, employ the services of competent consulting traffic engineers for traffic studies and the like when deemed necessary subject to the approval by the Mayor and subject to applicable procurement requirements.
- H. The Amesbury Traffic and Transportation Commission shall keep a clear and concise record of all its actions and activities. Said records to be on file at the office of City Clerk and at the Amesbury Public Library as defined in the Amesbury Home Rule Charter Section 9-5(b).

§ 12-6. Severability.

The Municipal Council, by authority of Charter Section 6-1(a)(1), may alter, merge, or disband the Amesbury Traffic and Transportation Commission at any time if deemed for the greater good of the City of Amesbury.

ARTICLE III
Open Space, Natural Resources, and Trails Committee
[Adopted 5-13-2016 by Bill No. 2016-028]

§ 12-7. Purpose.

The City hereby establishes an Open Space, Natural Resources and Trails Committee to implement the Open Space and Recreation Plan of the City of Amesbury by maintaining and updating the Plan itself and by supporting the City in the implementation of the action plans contained therein. This may include but is not limited to:

- A. Strategic long-term planning by contributing to the Amesbury Open Space and Recreation Plan, including:
 - (1) Development and updating of criteria for use in identifying priority open spaces for preservation, acquisition, or improvement;
 - (2) Identification and prioritization of critical open, recreational, and watershed spaces for preservation, acquisition, or improvement based on such criteria;
- B. Inventory of existing public and privately held open space resources and of access to open space resources, including a review of the state of current facilities and the identification of capital improvements;
- C. Development of trails and access points to open space, for the purpose of public recreation;
- D. Community education through informational fliers, public forums, and field trips;
- E. Coordinate with intra-state organizations that encourage open space preservation;
- F. Increasing Amesbury's open space by informing local landowners of, and helping to secure land preservation;
- G. Engaging in conservation advocacy and campaigning for preservation and funding;
- H. Support for active open space stewardship, including trail-building, trail maintenance, and signage;
- I. Incorporate open space planning and utilization into the planning and use of other cultural assets;
- J. Assist in the research into and documentation of the Committee's activities;
- K. Participating in the review of any properties that become available to the City of Amesbury under Chapter 61, 61a, and 61b of the General Laws of the Commonwealth of Massachusetts.

§ 12-8. Partnership.

The Committee is encouraged to partner with other official bodies of the City (including the Conservation Commission) as well as the Chamber of Commerce, local organizations, leagues, neighborhood groups, and clubs to meet its mission.

§ 12-9. Membership. [Amended 12-12-2023 by Bill No. 2023-099]

The Committee shall consist of up to seven members and be chaired by a member elected from among the members and shall be subject to the general committee provisions of Rule 11-D. One of the Committee

members shall be a City Councilor (as appointed by the City Council President), one shall be a member of the Conservation Commission, one shall be a member of the Planning Board, and the remaining members will be appointed in accordance with Section 2-3 of the Amesbury Home Rule Charter.

§ 12-10. Establishment of bylaws.

The Committee must, by its own vote, establish rules for its own order.

§ 12-11. Quorum.

A majority of appointed members serving on the committee shall constitute a quorum and no meeting shall be continued without a quorum being present, unless a subcommittee has been established.

§ 12-12. Authorities and responsibilities.

The Committee shall act as an advisory committee to the Mayor, City Council, municipal boards and the general public on matters concerning open space and recreation and shall have no budgetary powers. The City will consult with the Committee in the regular review and updating of the City's Open Space and Recreation Plan.

ARTICLE IV
Community Preservation Committee
[Adopted 7-23-2024 by Bill No. 2024-083]

§ 12-13. Establishment. [Amended 9-24-2024 by Bill No. 2024-109]

- A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:
- (1) One member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Board for an initial term of one year, and thereafter for a term of three years.
 - (2) One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Commission for a term of three years.
 - (3) One member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Commission for an initial term of two years, and thereafter for a term of three years.
 - (4) One member of the Housing Authority (created by Section 3 of Chapter 121B) as designated by its Board of Directors for an initial term of two years and thereafter for a term of three years.
 - (5) One member of the Open Space, Natural Resources and Trails Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.
 - (6) Three members of the general public, not city employees or currently holding elected or appointed positions, to be appointed by the Mayor for terms as described below:
 - (a) One member to be appointed for an initial term of one year and thereafter for a term of three years;
 - (b) One member to be appointed for an initial term of two years and thereafter for a term of three years; and
 - (c) One member to be appointed be appointed for a term of three years.
 - (7) One member of the Amesbury Housing Trust (created by Chapter 44, Section 55C) as designated by its Trustees for an initial term of two years and thereafter for a term of three years.
- B. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the remaining unexpired term.
- C. All members shall be residents of the City. Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the mayor in accordance with Section 2-3 of the Amesbury City Charter.

§ 12-14. Duties.

- A. The Community Preservation Committee shall study the needs, possibilities, and resources of the City regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Parks

Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the City regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the City. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

- B. The Community Preservation Committee shall make recommendations to the City Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- C. The Community Preservation Committee may include in its recommendation to the City Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

§ 12-15. Requirement for a quorum and cost estimates.

The community preservation committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote of the quorum. Recommendations to the City Council shall include their anticipated costs.

§ 12-16. Amendments.

The Community Preservation Committee shall, from time to time, review the administration of this article making recommendations, as needed, for changes in the Ordinance and in administrative practice to improve the operations of the Community Preservation Committee. This article may be amended from time to time by a majority vote of the City Council, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

§ 12-17. Severability.

In case any section, paragraph or part of this article be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

§ 12-18. Effective date.

This article shall take effect upon passage. Following City Council approval of this article, each appointing authority shall have 60 days to make their initial appointments to the Community Preservation Committee.

AMESBURY CODE

Chapter 20

BUDGET AND FINANCE

[HISTORY: Adopted by the City of Amesbury as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Annual Budget, Capital Improvement Plan and Financial Forecast
[Adopted as Art. 7 of the 1990 Bylaws]

§ 20-1. Estimates of expenses and income; requests for appropriations.

The various City boards, officers, and committees charged with the expenditure of City money shall, not later than February 28 of each calendar year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the preceding year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices and a statement of the amount of the appropriation requested by them for the ensuing fiscal year. Such estimates and statements shall be filed with the office of the Mayor who shall at once transmit the same to the Clerk of the Finance Committee or successor entity.⁴

§ 20-2. Submission of budget.

The Mayor shall submit the annual City budget, recommending appropriations for the next fiscal year by organization/object code or order number, to the Municipal Council no later than May 15. The Chief Financial Officer shall provide a copy of the Mayor's proposed budget to each member of the Municipal Council and to each member of the Finance Committee or successor entity and shall also post copies of the Mayor's proposed budget in the City Clerk's office and in the public library for inspection by the public.

- A. The Mayor's budget recommendation shall include, for each appropriation, by organization/object code or order number, the specific source of funding for that appropriation and, if any single appropriation is to be funded by multiple sources, the proportion of the amount which is to be funded by each source. Sources of funding may include, but are not limited to, property tax revenues; fee revenues, specifying the type of fee collected; state aid, specifying the "cherry sheet" account; state grant revenues, specifying the particular grant program; state reimbursements, specifying the state program; federal grant revenues, specifying the federal program; and private gifts. The Finance Committee or successor entity shall consider the adequacy of the funding sources and shall recommend decreases in any appropriation if it finds that the listed funding source cannot adequately fund the appropriation.
- B. Commencing in fiscal year 2008, the proposed operating budget submitted by the Mayor shall be a zero-based budget for 1/3 of all the departments of the City. One-third of all departments shall be staggered every fiscal year thereafter. Said budget shall be subject to all of the requirements of Sections 5-1, 5-2 and 5-3 of the Amesbury Home Rule Charter. For the purposes of definition, said zero-based budget shall start with no authorized funds and shall not be based on the previous year's appropriations. It shall not be an incremental budget. The goals and objectives for each department shall be clearly stated within the operating budget of each department. Each line item in each department's budget shall exist solely to accomplish the stated goals and objectives of the department, and the amounts provided for each department's budget must not exceed a reasonable amount necessary to accomplish such stated goals and objectives. **[Amended 3-14-2006 by Bill No. 2006-008]**

4. Editor's Note: Throughout this article, references to the "Appropriations and Audit Committee" were replaced with "Finance Committee or successor entity" 3-14-2006 by Bill No. 2006-008.

§ 20-3. Action by Finance Committee. [Amended 7-13-2010 by Bill No. 2010-05]

The Finance Committee or successor entity shall duly consider the same and may confer with said City boards, officers and committees and hold hearings if it deems it advisable. The Committee shall thereupon approve or disapprove the amount, in whole or in part, of the appropriation so requested. The Committee shall make a report of the matters so considered by it, with recommendations or suggestions relative thereto, and the same shall be posted in the City Clerk's office and public library and on the City's website at least seven days before the Municipal Council's public hearing on the proposed City budget. Said Committee report shall state the total amount of the appropriations recommended by it in the entire budget and the approximate tax rate based upon said recommendations.

§ 20-4. Monthly statements.

The Chief Financial Officer shall monthly cause to be printed and distributed to the Municipal Council and members of the Finance Committee or successor entity statements in tabulated form showing the amounts appropriated and the amounts expended from each organization/object code or order number during the preceding year and the estimates for the current year. Copies of said monthly statements shall be posted in the City Clerk's office and at the public library for inspection by the public.

§ 20-5. Capital improvements program. [Amended 5-10-2016 by Bill No. 2016-040]

The Chief Financial Officer shall submit the capital improvements program required by Section 5-4(b) of the 1996 Amesbury Home Rule Charter to the Municipal Council not later than May 15 of each calendar year. The Chief Financial Officer shall provide a copy of the capital improvements program to each member of the Municipal Council and each member of the Finance Committee or successor entity and also shall post copies of the capital improvements program in the City Clerk's office and at the public library for inspection by the public. Said capital improvements program shall include detailed information about all capital projects which the Mayor proposes to initiate during the upcoming fiscal year.

§ 20-6. Financial forecast. [Amended 5-10-2016 by Bill No. 2016-040]

The Chief Financial Officer shall submit the financial forecast required by Section 5-4(c) of the 1996 Amesbury Home Rule Charter to the Municipal Council not later than May 15 of each calendar year. The Chief Financial Officer shall provide a copy of the financial forecast to each member of the Municipal Council and each member of the Finance Committee or successor entity and also shall post copies of the financial forecast in the City Clerk's office and at the public library for inspection by the public.

§ 20-7. Financial analysis of Municipal Council measures. [Added 5-9-2006 by Bill No. 2006-011]

The Chief Financial Officer shall cause to be prepared a financial analysis on any measure submitted to the Municipal Council. The financial analysis shall indicate the amount of public money which will be required to be expended to carry out the provisions of the measure, together with an estimate of the cost of operation and maintenance for the first year if a new project is involved. The financial analysis shall also include a recommendation as to where the funds necessary to accomplish the goal of the proposed legislation shall come from as well as an estimate of what effect the measure's passage would have on the tax rate. Such a financial analysis shall accompany any measure proposed by the Mayor to the Municipal Council. For measures proposed by persons other than the Mayor, the Chief Financial Officer shall provide such a financial analysis to all members of the Municipal Council as soon as practicable and at least one week before the public hearing on the measure. The Municipal Council may direct the Chief Financial Officer to prepare additional financial analyses to quantify the projected effect of proposed amendments to any measure.

§ 20-8. Applications for federal or state funds. [Added 5-9-2006 by Bill No. 2006-011; amended 7-13-2010 by Bill No. 2010-057]

Any application for federal or state funds which is submitted to the Municipal Council shall be accompanied by a document fully describing the project for which the funding is being sought. The document shall be prepared by the department, board or commission which intends to submit said application for federal or state funding. The document shall contain a projection of any operating, staffing, or maintenance costs of the project or any facility or service provided for in said application; said projection shall be for a maximum of 60 months or for the life of the project, whichever is less. For any project exceeding 60 months, a new projection shall be prepared after each sixty-month segment of the project. The document shall also include a summary of any conditions under which the City may have to return or reimburse the funds. The document shall also include a statement describing the funding process, and if any funds are to be expended by the City in anticipation of later reimbursement, the document shall also specify the account into which such reimbursed funds will be deposited.

§ 20-8.1. Filing of grant applications. [Added 7-9-2013 by Bill No. 2013-060]

- A. Any application for a grant in excess of \$5,000 filed with any other government agency or its subdivisions, private entity, not-for-profit entity, trust or individual submitted by or on behalf of the City, by any and all appointed and elected officials and employees of the City and all boards, commissions and authorities operating within and on behalf of the City and which requires a match by the City, shall simultaneously with said application also be filed by the person or body submitting said application with the City Clerk as a public record.
- B. For the purpose of this section, a grant shall be any request for funds, goods, services, information services or analysis and/or anything of value.
- C. Within three business days of receiving such an application, the City Clerk shall inform each City Councilor of the existence of the filing. This communication shall include, but not be limited to, the entity with which the application is filed, the person or body making the application on behalf of the City and a brief description of the nature of the application and any requirements of a match.

§ 20-9. Appropriation orders. [Added 2-13-2007 by Bill No. 2006-128]

All measures appropriating moneys shall be filed as an order and appropriately titled, e.g., "An Appropriation Order."

- A. Except as otherwise permitted by law, all amounts appropriated by the Municipal Council shall be expended only for the purposes specified.
- B. All measures appropriating moneys shall include the following provision or equivalent language: "Any moneys remaining in this appropriation which are not expended for the purposes specified shall be returned to the general fund, enterprise fund or otherwise originating fund and shall not be expended without further appropriation."

§ 20-10. Transfer of funds. [Added 2-13-2007 by Bill No. 2006-128]

All measures transferring funds shall include for each transfer the specific source of funding for that transfer, organization/object code or order number, and the specific organization/object code or order number where the funds are to be transferred to. Transfer requests shall include the specific purpose of the transfer. Transfer requests shall include all the necessary statutory authorizations when submitted to the Municipal Council.

ARTICLE II
Rule of Unquestioned Recommendations
[Adopted as Art. 6 of the 1990 Bylaws; amended 5-9-2000 by Bill No. 2000-080]

§ 20-11. Title.

This article may be referred to as the "Rule of Unquestioned Recommendations."

§ 20-12. Report on budget.⁵

The report of the Finance Committee or successor entity relative to adoption of the annual budget for the next fiscal year shall consist of two or more parts. Part one shall contain a list of recommendations as to what sum or sums of money the City shall raise and appropriate to defray the expenses of the City for the ensuing year. Each recommendation in part one shall bear an organization/object code or order number for purposes of reference. Part two of the report shall contain a list of recommendations, by organization/object code or order number, as to what action or actions, if any, the City shall take with respect to each of the sections of the proposed budget. A copy of the report of the Finance Committee or successor entity shall be provided to each member of the Municipal Council and the Mayor and shall be posted in the City Clerk's office and the public library for inspection by the public not later than seven days prior to the public hearing on the proposed budget.

§ 20-13. Public hearing on budget.⁶

The order of business at the public hearing on the proposed budget shall be as follows:

- A. First, to hear the reports of the committees other than the Finance Committee or successor entity and to take action on the same.
- B. Second, unless it is voted to dispense with the reading of it, to hear the report of the Finance Committee or successor entity.
- C. Third, to allow the questioning of the recommendations of the Finance Committee or successor entity as described in § 20-14 of this article.
- D. Fourth, to take up in the usual manner, at the time and in the order called for by arrangement in the proposed budget to which they apply, those recommendations of the Finance Committee or successor entity which have been brought into question.

§ 20-14. Questioning of Committee recommendations.⁷

During the period allowed for the questioning of the recommendations of the Finance Committee or successor entity, there shall be neither debate nor discussion. The procedure during this period shall be as follows:

- A. First, if any member of the Municipal Council is of the opinion that a given recommendation of the Finance Committee or successor entity ought not to pass or that a recommendation ought not to pass without discussion, he shall address the presiding officer and state the organization/object code or order number of the recommendation which he questions if it is under part one of the report of the

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Finance Committee or successor entity or the organization/object code or order number to which the recommendation applies if it is under part two of the report.

- B. Second, at the conclusion of the question period, the presiding officer shall read, or have read, the identifying numbers or letters of the recommendations of the Finance Committee or successor entity which have not been questioned.
- C. Third, if there is no further questioning, the presiding officer shall then entertain a blanket motion that all the unquestioned recommendations of the Finance Committee or successor entity be each and severally adopted; that any and all unquestioned actions which it has recommended to be taken be each and severally taken; and that any and all unquestioned sums which it has recommended be raised and appropriated. A blanket motion shall not, however, contain any question which requires a recorded vote, and all such questions shall be voted on separately in their proper order.

§ 20-15. Reconsideration of items passed under blanket motion.

Any item passed under a blanket motion may be subsequently reconsidered independently of the other items covered by said blanket motion, provided that the motion to reconsider is carried by a two-thirds vote.

ARTICLE III
Coordinated Governance
[Adopted 1-10-2006 by Bill No. 2006-015]

§ 20-16. Monthly statement of City spending.

On or before February 1, 2006, and on or before the first day of each month thereafter, the Chief Financial Officer shall prepare statements, in tabulated form, showing the amounts appropriated and the amounts expended from each organization/object code or order number and shall cause copies of such statements to be provided to all members of the Municipal Council and all members of the Finance Committee. At the same time such statements are provided to members of the Municipal Council and Finance Committee, the Chief Financial Officer shall ensure that copies of such statements are filed for public inspection in the City Clerk's office and in the public library and that such statements are available through the City's website.

§ 20-17. Annual operating budget.

- A. On or before February 7, 2006, and on or before February 7 of each year thereafter, the Mayor must call a meeting of the Municipal Council pursuant to Section 5-1 of the Charter. Such meeting must be a properly posted public meeting and shall be held for the purpose of reviewing the financial condition of the City, revenue and expenditure forecasts and other relevant information. Copies of all documents and other materials provided to the Municipal Council in connection with this meeting must be filed for public inspection in the City Clerk's office and in the public library and must be made available through the City's website.
- B. On or before February 28, 2006, and on or before February 28 of each year thereafter, the various boards, officers and committees responsible for spending City funds must submit to the Mayor detailed statements of the budgets they will require in the next fiscal year, together with explanations for the changes in those budgets when compared to the existing fiscal year, together with an estimate of any income they expect to generate during the next fiscal year. These statements and explanations must be prepared according to the provisions of § 20-1 of this chapter. At the same time these documents are submitted to the Mayor, copies of the documents must be provided to all members of the Municipal Council and to all members of the Finance Committee, and copies must be filed for public inspection in the City Clerk's office and in the public library and must be made available through the City's website.
- C. On or before April 14, 2006, and on or before April 14 of each year thereafter, the School Department must submit to the Mayor the proposed School Department operating budget for the next fiscal year. At the same time this document is submitted to the Mayor, copies of the document must be provided to all members of the Municipal Council and to all members of the Finance Committee, and copies must be filed for public inspection in the City Clerk's office and in the public library and must be made available through the City's website.
- D. On or before May 15, 2006, and on or before May 15 of each year thereafter, the Mayor must submit to the Municipal Council his proposed next fiscal year operating budget for the Town of Amesbury. Such budget proposal must conform to the requirements of Article I of this chapter and Section 5-2 of the City Charter. Copies of the budget proposal must be provided to all members of the Municipal Council and to all members of the Finance Committee. At the same time the budget proposal is submitted to the Municipal Council, copies of the budget proposal must be filed for public inspection in the City Clerk's office and in the public library, and the budget proposal must be made available through the City's website.

- E. The Finance Committee and the Municipal Council may hold any public hearings they deem advisable to obtain information or public comment about the budget proposal. The Finance Committee and the Municipal Council may require any City officials or employees to appear and provide testimony at such public hearings, provided that the official or employee receives written notice of the required appearance at least 48 hours before the hearing. The Finance Committee and the Municipal Council may require the production of any documents they deem necessary to inform their deliberations, and such documents shall be timely provided.
- F. The Municipal Council must hold at least one public hearing on the budget proposal. At least 15 days before the hearing, the Municipal Council must publish the newspaper notice required by Charter Section 5-3(a), including a summary of the budget proposal and the date, time and location of the hearing. At least seven days before the hearing, the Finance Committee must make a written report of its recommendations concerning the budget proposal. Copies of such report shall be provided to all members of the Municipal Council and shall be filed for public inspection in the City Clerk's office and in the public library, and the full text of the report shall be made available through the City's website.⁸
- G. The Municipal Council must approve the operating budget for the Town of Amesbury within 45 days after the date the Mayor submits his budget proposal.

§ 20-18. Long-term financial planning.

On or before February 28, 2006, and on February 28 of each year thereafter, the Mayor, through the Chief Financial Officer, must submit a capital improvements plan and a financial forecast to the Municipal Council. Such documents must conform to the requirements of Section 5-4 of the Charter and Article I of this chapter. The capital improvements plan shall be consistent with the guidelines and model provided by the Department of Revenue. Copies of the capital improvements plan and the financial forecast shall be provided to all members of the Municipal Council and to all members of the Finance Committee. At the same time the capital improvements plan and the financial forecast are submitted to the Municipal Council, copies of those documents must be filed for public inspection in the City Clerk's office and in the public library, and the full texts of the documents shall be made available through the City's website.

§ 20-19. Annual report on utilities.

On or before February 28, 2006, and on February 28 of each year thereafter, the Mayor must submit to the Municipal Council a full report of the water- and sewer-related revenues, expenditures, and debt, together with a justification of the water and sewer rates, as required by Chapter 453, Water and Sewers, Article II, Pricing System. Copies of this report shall be provided to all members of the Municipal Council and to all members of the Finance Committee. At the same time the report is submitted to the Municipal Council, copies of the report must be filed for public inspection in the City Clerk's office and in the public library, and the full text of the report must be made available through the City's website.

§ 20-20. Quarterly communications.

- A. On or before March 1, 2006, the Mayor must make a written report to the Municipal Council as required by Section 2-7(a) of the Charter, including all information necessary to keep the Municipal Council fully informed as to the financial condition and future needs of the City. The Mayor must also make such written report required by Section 2-7(a) of the Charter on or before June 1, 2006, and December 1, 2006, and on or before March 1, June 1, September 1, and December 1 of

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

subsequent years. Copies of such each written report shall be provided to all members of the Municipal Council and to all members of the Finance Committee. At the same time the written report is submitted to the Municipal Council, copies of the document shall be filed for public inspection in the City Clerk's office and in the public library, and the full text of the report shall be made available through the City's website. **[Amended 7-3-2010 by Bill No. 2010-057]**

- B. On or before August 28, 2006, and within eight weeks of the start of each subsequent fiscal year, the Mayor must submit a complete report on the financial and administrative activities of the preceding fiscal year, as required by Section 2-7(a) of the Charter. Copies of the report shall be provided to all members of the Municipal Council and to all members of the Finance Committee. At the same time the report is submitted to the Municipal Council, copies of the document shall be filed for public inspection in the City Clerk's office and in the public library, and the full text of the report shall be made available through the City's website.

§ 20-21. Annual appointment of Municipal Attorney. [Amended 7-3-2010 by Bill No. 2010-057]

On or before April 1, 2006, and on or before April 1 of each year thereafter, the Mayor must appoint or reappoint a Municipal Attorney and must submit such appointment to the Municipal Council for review pursuant to Section 2-3 of the Charter.⁹

9. Editor's Note: Original Sec. 7, Executive reorganization, which immediately followed this section, was deleted 7-3-2010 by Bill No. 2010-057.

ARTICLE IV
Purchasing
[Adopted 9-12-2006 by Bill No. 2006-077]

§ 20-22. Certification of Chief Financial Officer.

The City's Chief Financial Officer shall acquire appropriate certification designations through the Massachusetts Certified Public Purchasing Official Program run by the State Inspector General's Office. If not already certified at the time of appointment, any future City Chief Financial Officer shall acquire appropriate certification designations through the Massachusetts Certified Public Purchasing Official Program run by the State Inspector General's Office within 18 months of being appointed the City's Chief Financial Officer.

§ 20-23. Certification of other employees and officials.

City employees and officials other than the Chief Financial Officer may acquire certification designations through the Massachusetts Certified Public Purchasing Official Program. If the Mayor determines in writing that such certification designation is part of an employee's or official's qualifications or responsibilities, then tuition for such certification and recertification programs may be paid by the City from the particular department's appropriation for expenses.

ARTICLE V
Revolving Funds

[Adopted 6-12-2018 by Bill No. 2018-045; amended in its entirety 6-11-2019 by Bill No. 2019-038]

§ 20-24. Establishment of revolving funds. [Amended 11-9-2021 by Bill No. 2021-144; 6-28-2022 by Bill No. 2022-081]

There are hereby established in the City of Amesbury pursuant to the provisions of MGL c. 44, § 53E 1/2, the following revolving funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Youth activities and programs	Youth Director and Chief Financial Officer	Fees and charges received from youth programs and activities
Council on Aging supportive day program	Council on Aging Director and Chief Financial Officer	Fees and charges associated with various Council on Aging programs
EV charging stations	Office of Community and Economic Development (OCED) Director and Chief Financial Officer	Advertising and energy sales revenue from EV charging stations and costs associated with operating the program

§ 20-25. Expenditures.

Expenditures from each departmental revolving fund set forth herein shall be subject to the limitations established by the City Council or any increase therein as may be authorized in accordance with MGL c. 44, § 53E 1/2.

AMESBURY CODE

Chapter 48

DEPARTMENTS

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

ARTICLE I

Department of Community and Economic Development and Department of Youth Programs
[Adopted 9-12-2006 by Bill No. 2006-067]

§ 48-1. Department divided.

The Municipal Council does hereby reorganize and divide the Department of Community and Economic Development and create a new Department of Youth Programs, effective July 1, 2006, as follows:

A. Department of Community and Economic Development.

Organization	Object	Organization Description	Object Description
0117451	511120	Community and Economic Development personnel services	Department head
0117451	511158	Community and Economic Development personnel services	Administrative assistant
0117451	511310	Community and Economic Development personnel services	City Planner
0117451	511315	Community and Economic Development personnel services	Project coordinator
0117451	511316	Community and Economic Development personnel services	Permitting coordinator
0117452	530108	Community and Economic Development expenses	Architects/ engineers
0117452	530109	Community and Economic Development expenses	Environmental testing
0117452	530215	Community and Economic Development expenses	Appraisals and public notice

Organization	Object	Organization Description	Object Description
0117452	530220	Community and Economic Development expenses	Telephone
0117452	542020	Community and Economic Development expenses	Office supplies
0117452	542310	Community and Economic Development expenses	Dues and subscriptions
0117452	570010	Community and Economic Development expenses	In-state travel
0117452	570020	Community and Economic Development expenses	Out-of-state travel
0117458	588114	Community and Economic Development capital expenses	Master Plan

B. Department of Youth Programs.

Organization	Object	Organization Description	Object Description
TBD	511318	Youth Programs personnel services	Youth Director
TBD	512360	Youth Programs personnel services	Youth counselors
TBD	512365	Youth Programs personnel services	Lifeguards
TBD	530330	Youth Programs expenses	Recreation programs
TBD	530335	Youth Programs expenses	Youth recreation trips/entertainment
TBD	530957	Youth Programs expenses	Performing arts contracted
TBD	570030	Youth Programs expenses	Bus transportation

Organization	Object	Organization Description	Object Description
TBD	530220	Youth Programs expenses	Telephone

§ 48-2. Appropriations.

Initially, all appropriations for each of said two Departments for fiscal year 2007 shall be allocated according to the line items in § 48-1 above as said appropriations were adopted on June 17, 2006, in the fiscal year 2007 operating budget supplemental documentation.

§ 48-3. Oversight.

The Department of Community and Economic Development shall continue to be overseen by the Director of Community and Economic Development. The Department of Youth Programs shall be overseen by the Mayor.

§ 48-4. Costs and expenses of Department of Youth Programs.

As there are costs and expenses involved with the running of the Department of Youth Programs that are or may be shared with another department or agency of the City and are not or may not be currently identifiable as separate and unique charges for the Department of Youth Programs, the Chief Financial Officer shall develop and implement a system of appropriately allocating such costs and expenses between the Department of Youth Programs and such other departments or agencies, and such allocated amounts shall be taken into account in the preparation of the operating budget of the affected departments or agencies.

EMERGENCY MANAGEMENT

Chapter 54

EMERGENCY MANAGEMENT

[HISTORY: Adopted by the Town of Amesbury as Art. 32 of the 1990 Bylaws (originally adopted 11-20-1950 pursuant to Chapter 639, Acts of 1950). Amendments noted where applicable.]

§ 54-1. Department of Emergency Management.¹⁰

There is hereby established a Department of Emergency Management (hereinafter called the "Department"). It shall be the function of the Department to have charge of emergency management functions as authorized or directed by Chapter 639, Acts of 1950, or by any and all executive orders or general regulations promulgated thereunder and to exercise any authority delegated to it by the Governor under said Chapter 639.

§ 54-2. Director of Emergency Management.¹¹

- A. The Department shall be under the direction of a Director of Emergency Management (hereinafter called the "Director") who shall be appointed as prescribed by law. The Director shall have direct responsibility for the organization, administration and operation of the Department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The Director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the Department may require, and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.
- B. The Director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the City, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of emergency management, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

§ 54-3. Emergency Management Advisory Council.¹²

There is hereby established an Emergency Management Advisory Council (hereinafter called the "Council"). Such Council shall serve without pay and shall consist of the Director of Emergency Management and such other department heads and such other persons as the authority appointing said Director may deem necessary. Such member of said Council as said appointing authority shall designate shall serve as Chairman of said Council. Said Council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the Director on matters pertaining to emergency management.

§ 54-4. Mutual aid.

The Police Department is hereby authorized to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

§ 54-5. When effective.

This chapter shall remain in force during the effective period of Chapter 639, Acts of 1950, and any act in amendment or continuation thereof or substitution therefor unless sooner repealed by vote of the City.

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 54-6. References to state act.

All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

EMINENT DOMAIN

Chapter 56

EMINENT DOMAIN

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury 4-11-2006 by Bill No. 2006-013. Amendments noted where applicable.]

§ 56-1. General limitations on use of eminent domain.

- A. Only the Amesbury Municipal Council may use the power of eminent domain to take property from private owner(s). Eminent domain power shall not be used by any other agency of the Town of Amesbury nor by any political subdivision thereof nor by any other local entity. The Municipal Council shall not transfer eminent domain power to any other entity.
- B. Any measure to take property by eminent domain may only be approved if 2/3 of the entire Amesbury Municipal Council vote to approve such measure and if such measure is also approved by the Mayor. If less than 2/3 of the full Municipal Council membership vote to approve an eminent domain taking, such taking shall be deemed to be denied.
- C. Any vote on a measure to take property by eminent domain must be made by roll call vote.

§ 56-2. Use of eminent domain for public use.

- A. Notwithstanding any other provision of law, the Municipal Council shall not use eminent domain authority unless the property to be taken is necessary for a public use.
- B. Definition of "public use."
 - (1) The term "public use" shall only mean:
 - (a) The possession, occupation, and enjoyment of the land by the general public, or by public agencies;
 - (b) The use of land for the creation or functioning of public utilities;
 - (c) The acquisition of abandoned property, where the City has made diligent efforts to locate the owner of the property; or
 - (d) The acquisition of property to cure a concrete harmful effect of the current use of the land, including the removal of public nuisances and the removal of structures that are beyond repair or that are unfit for human habitation or use.
 - (2) The public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health, shall not constitute a "public use."

§ 56-3. Use of eminent domain for private commercial enterprise.

Notwithstanding any other provision of law, the Municipal Council shall not use eminent domain authority to take private property for private commercial enterprise, except that:

- A. Eminent domain may be used to take abandoned property, where the City has made diligent efforts to locate the owner of the property;
- B. Eminent domain may be used to eliminate a substantial threat to public health or safety, including the removal of public nuisances and the removal of structures that are beyond repair or that are unfit for human habitation or use;
- C. Portions of a property which has been taken by eminent domain for public use may be leased to private entities, provided that the private use is incidental to the primary public use; and
- D. Property may be taken by eminent domain for the benefit of private commercial enterprise with the

willing and informed consent of the current owner(s) of the property.

§ 56-4. Use of eminent domain for economic development.

- A. Notwithstanding any other provision of law, the Municipal Council shall not use eminent domain authority to take private property for economic development purposes without the willing and informed consent of the current owner(s) of the property.
- B. Definition of "economic development." The term "economic development" means any activity to increase tax revenue, tax base, employment, housing or general economic health; provided, however, that any of the following activities shall not constitute economic development:
 - (1) The transfer of land to public ownership or to the ownership of a public utility;
 - (2) The transfer of property to a private entity when eminent domain will remove a threat to public health or safety, such as the removal of public nuisances or the removal of structures that are beyond repair or the removal of structures that are unfit for human habitation or use;
 - (3) The acquisition of abandoned property, where the City has made diligent efforts to locate the owner of the property; or
 - (4) The lease to a private entity of portions of a property which has been taken by eminent domain, provided that the private use is incidental to the primary public use and further provided that any such lease may be entered into only if approved by a two-thirds vote of the entire Amesbury Municipal Council and if such measure is also approved by the Mayor.

LABOR CONTRACTS

Chapter 95

LABOR CONTRACTS

[HISTORY: Adopted by the Town of Amesbury as Art. 31 of the 1990 Bylaws; amended 3-14-2006 by Bill No. 2006-016. Subsequent amendments noted where applicable.]

§ 95-1. Municipal Council approval required.

All newly ratified labor contracts shall be required to have Municipal Council approval for funding.

§ 95-2. Funding.

The initial request for appropriations for funding of a labor contract agreement must be submitted by the Mayor as a unique measure separately from the annual operating budget and be accompanied by a copy of the contract for which funding is requested.

AMESBURY CODE

Chapter 101

LEGISLATION ENACTED BY STATE LEGISLATURE

[HISTORY: Adopted by the Town of Amesbury as Art. 43 of the 1990 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Special acts — See Ch. A505.

§ 101-1. Purpose.¹³

This purpose of this chapter is to define uniform procedures of the Municipal Council to seek the passage of legislation, special acts, home rule petitions and the like and to enable the residents of the Town of Amesbury to be more fully informed as to the status of said legislation and its effect on the community.

§ 101-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOCAL MEDIA — A newspaper, a cable station or a radio station of general circulation or broadcast within the City.¹⁴

§ 101-3. Procedure.¹⁵

The Mayor and City officers, with permission of the Municipal Council, may seek the passage of legislation by the Massachusetts Legislature, provided that the following conditions are met:

- A. Copies of the legislation shall be provided to the local media in its primary form, amended forms, and final form.
- B. Copies of the legislation shall be provided to any member of the general public requesting a copy.

§ 101-4. Publication.¹⁶

The City Clerk shall cause a copy of the final version of such legislation to be printed in the Annual City Report within one year of its passage by the State Legislature, and a copy shall be included in the Appendix of the Amesbury Municipal Code.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

14. Editor's Note: The definition of "Town officer" which immediately followed this definition was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

MEDICAL RESERVE CORPS

Chapter 114

MEDICAL RESERVE CORPS

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury 4-11-2006 by Bill No. 2006-034. Amendments noted where applicable.]

§ 114-1. Recognition of Corps.¹⁷

The Municipal Council recognizes the Amesbury Medical Reserve Corps (MRC) as approved by the Surgeon General's Office in December 2005, under the direction of the Public Health Nurse, and votes to name the Amesbury MRC as special municipal employees under MGL c. 268A, § 1(n). See attached information and list of MRC members.¹⁸

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

18. Editor's Note: This information is on file at the office of the City Clerk.

AMESBURY CODE

Chapter 118

MEETINGS

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

ARTICLE I

City Council Meetings

[Adopted as Art. 1 of the 1990 Bylaws; amended 2-14-2006 by Bill No. 2006-012]

§ 118-1. Regular meetings. [Amended 11-15-2022 by Bill No. 2022-131]

The City Council shall hold regular meetings on the second and fourth Tuesdays of each month at 7:00 p.m. at the City Hall; provided, however, that the City Council President may cancel or suspend meetings during the months of July and/or August in accordance with Section 3-5(c) of the City Charter.

- A. If a regular meeting date falls on a solemn or legal holiday, the City Council President shall reschedule such meeting to the Tuesday of the following week.
- B. If a regular meeting date falls on an Election Day, the City Council President shall reschedule such meeting to the Tuesday of the following week.

§ 118-2. Committee meetings. [Amended 11-15-2022 by Bill No. 2022-131]

The City Council shall reserve Monday, Tuesday, Wednesday, and Thursday evenings during the third week of each month for City Council Committee meetings as needed; provided, however, that the City Council President may cancel or suspend such meetings during the months of July and/or August.

- A. If a regular meeting date falls on a solemn or legal holiday, the Subcommittee Chairperson shall reschedule such meeting to a more appropriate date.

§ 118-3. Signal.

There shall be three blasts of the fire alarm 1/2 hour before the time appointed for the holding of any regular or special Municipal Council meeting or any part thereof at which a quorum is required. If a quorum is not present at the time appointed for the holding of said meeting or any part thereof, this signal shall be repeated.

ARTICLE II
City Council Proceedings

[Adopted as Art. 3 of the 1990 Bylaws; amended in its entirety 5-8-2007 by Bill No. 2007-038]

§ 118-4. Rules of procedure. [Amended 11-15-2022 by Bill No. 2022-131]

Except as otherwise provided by law, all proceedings of the City Council shall be governed by the rules of procedure adopted by the City Council pursuant to Section 3-5(c) of the Charter.

§ 118-5. Continuation of rules. [Amended 11-15-2022 by Bill No. 2022-131]

Rules of procedure in force and existence at the adjournment sine die of a City Council shall govern the organization of the next City Council and shall continue until changed.

§ 118-6. Amendment of rules. [Amended 11-15-2022 by Bill No. 2022-131]

The rules of procedure may be reenacted or amended only if such enactment or amendment is approved by 2/3 of the members of the City Council. Except in emergency conditions, meeting the requirements of Section 3-7(a) and (b) of the Charter, no change to the City Council's rules shall be approved on the date on which it is introduced.

§ 118-7. Suspension of rules.

The rules of procedure may be suspended only in accordance with such procedures as may be specifically provided by such rules.

ARTICLE III
Committee Procedures
[Adopted as Art. 44 of the 1990 Bylaws]

§ 118-8. Purpose. [Amended 7-13-2010 by Bill No. 2010-057; 11-15-2022 by Bill No. 2022-131]

The purpose of this article is to define uniform procedures for the conducting of meetings, maintenance of minutes and correspondence, and the election of officers, beyond those procedures and practices specified in the City of Amesbury Charter.

§ 118-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGENDA — Memoranda of things to be done, as items of business or discussion to be brought up at a meeting.

COMMITTEE — All ad hoc, appointed, elected, and permanent boards, commissions, committees and panels of the City.

FISCAL YEAR — From July 1 to June 30.¹⁹

LOCAL MEDIA — A newspaper, a cable station, or a radio station of general circulation or broadcast within the City.

MINUTES — Journal, memoranda or notes of a transaction or proceeding at a meeting of a committee.

§ 118-10. Conduct of meetings. [Amended 5-9-2006 by Bill No. 2006-014; 11-15-2022 by Bill No. 2022-131]

Proceedings of the City Council and its committees and subcommittees shall be governed by the rules of procedure adopted by the City Council pursuant to Section 3-5(c) of the Charter. All other committees shall be governed by the rules of practice contained in the most recent edition of Robert's Rules of Order, except as otherwise provided by the City Charter, bylaw or by the following sections.

§ 118-11. Public notification.

- A. Committees shall post notification of meeting time and place in a manner consistent with the provisions of Massachusetts General Laws known as the "Open Meeting Law."²⁰
- B. Committees shall make their meeting agenda readily available at and prior to meetings, preferably by release to the local media.
- C. Committees shall provide to the Clerk of the City Council a copy of the agenda of all regular and special meetings not later than 48 hours prior to said meetings. **[Amended 5-9-2006 by Bill No. 2006-014; 11-15-2022 by Bill No. 2022-131]**
- D. Committees shall notify the District Councilor in writing of any and all scheduled public hearings concerning activities within his or her district.

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

20. Editor's Note: See MGL c. 39, § 23B, Open meetings of governmental bodies.

§ 118-12. Committee bylaws.

Committees may enact specific bylaws for the governance and rules of practice of the committee, provided that such bylaws are made readily and widely available to the public, by announcement in the local media, at least 10 days prior to their taking effect.

§ 118-13. Election of officers. [Amended 5-9-2006 by Bill No. 2006-014]

Unless otherwise provided by the committee's rules or bylaws, committees shall annually elect officers for one-year terms which shall begin and end with the City's fiscal year.

§ 118-14. Public disclosure of interest.

Any person who is employed by or otherwise related to another interest in any matter under discussion at a committee meeting shall disclose the fact of his employment or relationship before speaking thereon.

§ 118-15. Deliberations; electronic communications. [Added 5-9-2006 by Bill No. 2006-014]

- A. All deliberations and substantive discussions regarding any matter of public policy shall be conducted only during a properly held public meeting, except those deliberations specifically authorized by MGL c. 39, § 23B or other statute to be held during an executive session portion of a public meeting.
- B. In no instance shall a quorum or more than a quorum of committee members use telephone conference calls, serial telephone calls, e-mail, text messaging, Internet chat rooms, or other methods of private communication to discuss or deliberate about any matter of public policy. Committee members shall not "carbon copy" to a quorum or more than a quorum of committee members any electronic communications regarding the substantive merits of, or the arguments for or against, any matter of public policy. Committee members shall not sequentially "forward" to a quorum or more than a quorum of committee members any electronic communications regarding the substantive merits of, or the arguments for or against, any matter of public policy. Committee members shall not simultaneously or sequentially telephone a quorum or more than a quorum of committee members to discuss or deliberate about any matter of public policy.
- C. Electronic communications, including e-mail, may be used to communicate with a quorum or more than a quorum of committee members any public records containing objective information, including but not limited to reports, meeting minutes, meeting agendas, decisions, rulings, contracts and legislative proposals, and for purely ministerial purposes such as the scheduling and rescheduling of meetings. Any such electronic communications shall be considered public records within the meaning of MGL c. 4, § 7(26) and MGL c. 66, § 10, and shall be maintained by the sender and recipient in a manner that allows for public access to the records, unless the committee has promulgated its own bylaw, under § 118-12 above, for otherwise maintaining and providing public access to such records. Materials that describe or discuss arguments for or against any matter of public policy shall not be considered "public records containing objective information" and shall not be sent by any committee member to any quorum or more than a quorum of committee members.

§ 118-16. Adjudicatory hearings; attendance; voting disqualification. [Added 10-10-2006 by Bill No. 2006-089²¹]

- A. Any member of any elected or appointed municipal board, committee or commission shall be

21. Editor's Note: This bill also provided for the acceptance of MGL c. 39, § 23D. See Ch. A500.

permitted to sit on an adjudicatory hearing and not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearings at which testimony or other evidence is received.

- B. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof.
- C. The written certification shall be part of the record of the hearing and be filed with the City Clerk.
- D. Certification shall be essentially in the following format:

I _____ (name of individual) _____ hereby certify that I have examined all evidence received by the _____ (name of board) _____ at the session I missed on _____ (date of meeting) _____ for the public hearing held on (subject, bill no., project); said evidence includes any audio and/or video recording of the missed session or a transcript thereof. I further certify that I have missed no more than one public hearing on said matter.

Signature

Date of Signature

OFFICERS AND EMPLOYEES

Chapter 132

OFFICERS AND EMPLOYEES

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

ARTICLE I

City Clerk/Clerk to the Municipal Council

[Adopted as Art. 5 of the 1990 Bylaws; amended in its entirety 12-11-2007 by Bill No. 2007-116]

§ 132-1. Appointment; term of office; powers and duties.

- A. The Municipal Council shall, by a majority vote of the entire Municipal Council, elect a person to hold the office of City Clerk/Clerk to the Municipal Council for a term of three years and until a successor is qualified. The Clerk shall have such powers and shall perform such duties as the Municipal Council may prescribe, in addition to such duties as may be prescribed by law.
- B. The person holding the office of City Clerk/Clerk to the Municipal Council upon the effective date of this article shall be considered to have been appointed on January 2, 2006, and may continue to hold office for the remainder of the three-year term and until a successor is qualified.²²

§ 132-2. Responsibilities.

The responsibilities of the City Clerk/Clerk to the Municipal Council shall include:

- A. Managing the staff and operations of the City Clerk's office;
- B. Developing, implementing and maintaining recordkeeping systems that fulfill statutory mandates and ensure security of and public access to official City records;
- C. Serving as the Chief Election Officer for the City with full responsibility for all election activities, including: **[Amended 6-27-2023 by Bill No. 2023-049]**
 - (1) Serving as ex-officio member and Clerk of the Board of Registrars supervising the registering of voters, the activities of election officials, and the conduct of elections in the City.
 - (2) Assisting with preparation and implementation of all aspects of elections including, but not limited to: overseeing polling sites, preparing ballots, and voting list, managing voting equipment and supplies, and preparing and reporting official election results to the state as required by law.
 - (3) Preparing voting lists and related functions using Massachusetts Central Voter Registration Information System (VRIS) as outlined by state law.
 - (4) Equipping, and staffing all polling places, training election workers, distributing ballots, and testing and maintaining voting equipment.
 - (5) Preparing and issuing notifications regarding election activities, schedules, and locations.
- D. Serving as Registrar of Vital Statistics for the City with full responsibility for all associated activities, including: **[Amended 6-27-2023 by Bill No. 2023-049]**
 - (1) Recording births, marriages, deaths, and affidavits/amendments;
 - (2) Serving as custodian of City records and issuing certified copies of same;
 - (3) Recording and issuing certified copies of births, deaths, and marriages;

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) Submitting reports to the state and other authorities as required;
- (5) Assisting the public in conducting genealogical research, using such records.
- E. Submitting required federal, state and local reports;
- F. Providing administrative support to the Municipal Council, which includes:
 - (1) Ensuring conformance with state statutes and local ordinances; and
 - (2) Preparing agendas and attending and maintaining records of meetings;
 - (3) Providing guidance to the City Council when requested regarding its internal rules and procedures. **[Added 6-27-2023 by Bill No. 2023-049]**
- G. Administering the oath of office to elected and appointed public officials and maintaining records of such oaths of office;
- H. Administering the issuance and recording of municipal licenses, including business, fisheries and wildlife, dog and other regulatory licenses as required, in accordance with applicable laws and regulations; and
- I. Recording and filing applications, maps, and decisions of the Planning Board. Recording and maintaining files on preliminary and definitive subdivision plans; receiving and recording decisions of the Zoning Board of Appeals and all appeals to such decisions. **[Amended 6-27-2023 by Bill No. 2023-049]**
- J. Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. **[Added 6-27-2023 by Bill No. 2023-049]**
- K. Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. **[Added 6-27-2023 by Bill No. 2023-049]**
- L. Serving as keeper of the Official Seal of the City; administering oaths as necessary to all elected officials, appointed members of boards and committees, and police and fire department personnel. Coordinating the distribution of materials on ethical standards and ensuring that all City employees including boards and committees meet their requirements of testing on ethics.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. **[Added 6-27-2023 by Bill No. 2023-049]**
- M. Preparing and overseeing the budget for the City Council, City Clerk's office and Elections Departments. Oversees the purchasing all office supplies and equipment, as needed; processing all bills for payment.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. **[Added 6-27-2023 by Bill No. 2023-049]**
- N. Receiving and implementing new legislation concerning the functions of the City Clerk's office.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. **[Added 6-27-2023 by Bill No. 2023-049]**
- O. Preparing the Annual Report for the City Council, the City Clerk and the Elections Departments for inclusion in the Annual City Report.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. [Added 6-27-2023 by Bill No. 2023-049]

P. Preserving City records.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. [Added 6-27-2023 by Bill No. 2023-049]

Q. Performing similar or related work as required.

Administering the Annual City Census; being responsible for the updating, printing, and mailing of the census; preparing the annual street list. [Added 6-27-2023 by Bill No. 2023-049]

§ 132-3. Deeds and other instruments.

The City Clerk shall keep a true copy of all deeds and other instruments executed by the Mayor and/or Municipal Council in accordance with the provisions of law.

§ 132-4. Conveyance of interest in real estate.

It shall be the duty of the City Clerk to see that every instrument of conveyance to the City of any interest in real estate filed with the City Clerk's office is properly recorded in the Registry of Deeds. After recording and returned to the City Clerk, such recorded instruments shall be turned over to the City Treasurer, in whose custody they shall remain.

§ 132-5. Notification of elected or appointed committee members.

It shall be the duty of the City Clerk to immediately notify in writing all members of committees who may be elected or appointed, stating the business upon which they are to act and the names of the persons composing the committees.

§ 132-6. Statement of appropriations; notice of Municipal Council actions.

It shall be the duty of the City Clerk, immediately after every Municipal Council meeting, to furnish the Chief Financial Officer and the Board of Assessors with a statement of all appropriations made by the Municipal Council at such meeting and the purpose for which such appropriations were made and the manner of raising the same. The Clerk shall also notify all boards, officers, and committees of the City of all votes passed at any Municipal Council meeting that will affect them in the performance of their official duties.

§ 132-7. Records.

All committees, boards and commissions of the City that are required by law or otherwise to keep records shall, when the authority of the entity terminates, deposit said records with the City Clerk.

§ 132-7.1. City Clerk Fee Schedule. [Added 5-10-2022 by Bill No. 2022-040]

A. The City Clerk Fee Schedule is enacted as follows:

Service	Fee
Amendments- vital records	\$25
Auto dealers license Class I, II, and III	\$100
Auctioneer license	\$25
Automatic amusement license	\$50 per machine
Business certificate (DBA)	\$40
Business certificate (DBA) amendment	\$10
Certificates- birth, death, marriage	\$10
Certificates- birth only senior	\$5
Common victualler license	\$50
Declaration of trust filings	\$20
Dine, dance, and entertainment license	\$25 per day
Dog license- spayed/neutered	\$10
Dog license- male/female	\$15
Dog license- late fee	\$5 per dog
Dog license- duplicate tag	\$1
Dog license- tag transfer	\$1
Filing inventory- closing of business	\$20
Fortune tellers license	\$50
Geneology research	\$15 per hour
Hawker/peddler license	\$25
Home birth/delayed birth recording	\$25
Innholders license	\$5 per room
Junk dealer/antiques/2nd hand	\$75
Kennel license 4 dogs	\$40
Kennel license 5-10 dogs	\$60
Kennel license 11+ dogs	\$120
Kennel license- late fee	\$10 per dog
List of residents	\$10
Marriage intentions	\$40
Notary oath for nonresidents	\$20
Notary services for nonresidents	\$2 per signature
Photocopies	\$0.20 per page
Physician registration	\$25
Pool and bowling (Sunday)	\$5 per lane/table

Service	Fee
Pool and bowling (Weekday)	\$10 per lane/table
Public records request	Varies
Raffles and bazaar permit	\$10
Recording order-location of poles	\$100 plus cost of abutters postage
Storage license (new)	\$25
Storage license (renewal)	\$10
Sunday juke box	\$85
Taxi license application	\$150
Taxi vehicle and driver application	\$25
Taxi business license	\$350
Taxi vehicle license	\$100
Taxi license driver	\$25
Taxi business license renewal	\$100
Taxi vehicle license renewal	\$25
Taxi driver license renewal	\$25
Transient vendor license	\$25
Voter registration disk	\$20

B. These fees are effective July 1, 2022.

ARTICLE II

Municipal Attorney

[Adopted as Art. 11 of the 1990 Bylaws; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 132-8. Appointment; salary.

The Mayor shall hereafter annually on or before the first day of April and whenever a vacancy shall exist choose some competent lawyer to act as Municipal Attorney. The Municipal Attorney shall receive such salary or compensation as the Mayor may determine, not to exceed in the aggregate the amount annually appropriated therefor.

§ 132-9. Authority of Mayor.

The Mayor shall have the authority to prosecute, defend, and compromise, subject to the provisions of the Amesbury Municipal Code, through the Municipal Attorney, all litigation to which the City is a party and to employ special counsel whenever in the Mayor's judgment the necessity therefor arises.

§ 132-10. Term of office.

The term of office of said Municipal Attorney shall begin from the time of his acceptance of appointment and shall continue until the appointment and acceptance of his successor.

§ 132-11. Duties.

The Municipal Attorney shall draft all bonds, leases, obligations, conveyances, and other legal instruments and do every professional act which may be required of him by the Mayor, shall furnish a written opinion of any legal question that may be submitted to him in regard to any matter which concerns any board or committee, and shall at all times furnish legal advice to any officer of the City upon any subject concerning the duties incumbent upon any such officer by virtue of his office upon request of such officer submitted in writing through the Mayor.

§ 132-12. Appearance in actions and suits.

The Municipal Attorney shall prosecute all suits ordered to be brought by the City and shall appear before any court in the commonwealth in defense of all actions or suits brought against the City or its officers in their official capacity and shall try any and all cases to which the City shall be a party before any tribunal in the commonwealth or before any board of referees or commissioners.

§ 132-13. Final settlement.

The Municipal Attorney shall not make final settlement of any litigation to which the City is a party unless he has been duly authorized so to do by the Mayor with the approval of the Municipal Council.

§ 132-14. Reports to Mayor.

Every officer in charge of a department shall immediately make a report in writing to the Mayor whenever any transaction, act or negligence affecting his department occurs which results in or may occasion any injury to any person or property, and any police officer having knowledge of any transaction, act or negligence affecting his department shall immediately make a similar report, whereupon the Mayor shall make a careful and complete investigation of all the facts relative thereto.

§ 132-15. Prosecution of violations.

The Municipal Attorney shall, if requested by the Mayor, prosecute in the local District Court any case of violation of the statutes of the commonwealth or the Amesbury Municipal Code.

§ 132-16. Annual report.

The Municipal Attorney shall, upon the request of the Mayor, make a written report to the Mayor concerning the professional services rendered during the preceding year. Said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of during the year and shall be kept on file.

§ 132-17. Other counsel.

No City officer or board shall, unless authorized by the Mayor, employ, advise with or consult any attorney or counselor at law other than the Municipal Attorney with regard to any City business, or the business of any of the departments, or the duties of any such officers or boards, whenever any charge therefor is to be made to the City or is to be paid out of the funds of the City or of any department thereof.

ARTICLE III
Collector of Taxes
[Adopted as Art. 19 of the 1990 Bylaws]

§ 132-18. Duties; bond.²³

The Collector of Taxes shall collect, under the title of "City Collector," all accounts due the City, with the exception of charges made for care and treatment at the Amesbury Hospital. The Collector shall give bond in such sum and with such sureties as the Mayor may approve for the faithful performance of his duties under this article, said bond to be in addition to that given by him as Collector of Taxes. He shall have and exercise all powers and duties conferred by law upon collectors of taxes.

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

REPORTS

Chapter 158

REPORTS

[HISTORY: Adopted by the Town of Amesbury as Art. 4 of the 1990 Bylaws; amended 5-9-1995 by Art. 35; 3-14-2006 by Bill No. 2006-017. Subsequent amendments noted where applicable.]

§ 158-1. Annual reports.

All City officers, departments, boards, committees, commissions and other agencies shall annually make reports describing their activities during the previous fiscal year. Such annual report shall be submitted to the Mayor by such date as the Mayor may require.

§ 158-2. Annual City Report. [Amended 10-25-2022 by Bill No. 2022-130]

The Mayor shall provide for the compilation of such annual reports into an Annual City Report, which shall be published. Copies of such Annual City Report shall be submitted to the City Council and made available to the public on or before September 23 of each year. Copies of the Annual City Report shall also be filed for public inspection in the City Clerk's office and in the public library.

§ 158-3. Quarterly reports by Mayor. [Amended 10-25-2022 by Bill No. 2022-130]

The Mayor shall submit on a quarterly basis a written report to the City Council providing all such information as is necessary to keep the City Council fully informed as to the financial condition and future needs of the City. Such written reports shall be submitted to the City Council on or before March 1, June 1, September 1 and December 1 of each year. Copies of such quarterly reports shall also be filed for public inspection in the City Clerk's office and in the public library.

Part II: General Legislation

AMESBURY CODE

Chapter 204

ANIMALS

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

GENERAL REFERENCES

ANIMALS

Animals in cemeteries — See Ch. 237.

Hunting — See Ch. 303.

ARTICLE I
Licensing and Control
[Adopted as Art. 25 of the 1990 Bylaws]

§ 204-1. License required. [Amended 9-24-2024 by Bill No. 2024-114]

Any owner of a dog six months or older in the City of Amesbury shall cause that dog to be licensed as required by MGL c. 140 commencing on April 1 of each year.

§ 204-2. License fee.²⁴

- A. The fee for a license under this article shall be as follows:
- (1) Neutered male or spayed female dog: \$10.
 - (2) Unneutered male or unspayed female dog: \$15.
 - (3) Kennel license.
 - (a) Not more than four dogs: \$30.
 - (b) Five to 10 dogs: \$60.
 - (c) Eleven or more dogs: \$120.
- B. The owner of a dog that is currently licensed in another town within the Commonwealth of Massachusetts may obtain a transfer license and tag by turning in the other license and tag and paying a fee of \$1.
- C. Any owner of a dog who fails to license or renew an existing license by May 1 and every 30 days thereafter shall be fined a late fee as follows (each thirty-day lapse of license or renewal will constitute a separate offense):
- (1) Dog license: \$5.
 - (2) Kennel license: \$10.
- D. If a tag is lost a duplicate tag may be obtained from the Clerk's office for a fee of \$1.

§ 204-3. Exemptions from license fee.

- A. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person, provided that the Massachusetts Commission for the Blind or the Director of the Office of Deafness certifies that such dog is trained and actually in the service of a deaf or blind person.²⁵
- B. No fee shall be charged for a license for a dog specifically trained for, and in service as, a Police Department K-9, provided that the Chief of the Police Department or station commander certifies that such dog is so trained and actually in the service of a Police Department.

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 204-4. Refund of license fee. [Amended 9-24-2024 by Bill No. 2024-114]

No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the City of Amesbury, the Commonwealth of Massachusetts or other disposal of the dog.

§ 204-5. Rabies vaccination.

When applying for a license, the applicant must show proof of rabies vaccination by a veterinarian certificate dated within the last three years, if the dog is six months of age or over, as required by MGL c. 140, § 145B and any subsequent amendments thereto.

§ 204-6. Nuisance; public safety.

No person shall own or keep within the City any dog which by biting, barking, howling, or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or domesticated animal or farm animal.

§ 204-7. Dogs running at large.

- A. No person owning or keeping a dog in the City shall allow such dog to roam at large upon the land of another, except if it is on the premises of another person with the knowledge and permission of such other person, nor allow such dog to roam at large on any portion of the public highway.
- B. Such owner or keeper of a dog in the City which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such other person shall restrain such dog by chain or leash not exceeding six feet in length.
- C. Nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting season or the training of hunting dogs or the holding of field trials for hunting dogs.

§ 204-8. Enforcement.²⁶

Any dog found running at large will be placed in a suitable pound and will not be released to its owner until a pickup charge of \$10 for the first pickup, \$25 for the second pickup and \$30 for each subsequent pickup and a daily boarding fee of \$10 has been paid to the City. Any owner or keeper of a dog who permits the same to run at large in violation of this article shall be fined as provided in § 1-2 of this Code.

§ 204-9. Complaint of nuisance. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his jurisdiction is a nuisance by reason of dangerous disposition or excessive barking or other disturbances, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Chief of Police, or Chief of Police's designee of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Chief of Police, or Chief of Police's designee may make such an order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Chief of Police, or Chief of Police's designee to issue its order following receipt of the report of the Animal Control Officer. If

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the Chief of Police, or Chief of Police's designee fails to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

§ 204-10. Authority to restrain or muzzle. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

- A. The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed 14 days, any dog for any of the following reasons:
- (1) Having bitten any person.
 - (2) If found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect.
 - (3) If found in a school, schoolyard, or public recreational area.
 - (4) For having killed, maimed or otherwise damaged any other domesticated animal.
 - (5) For chasing any vehicle upon any public way or way open to public travel in the City.
 - (6) For any violation of § 204-6 or 204-7 of this article.
- B. Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit a written report to the Chief of Police, or Chief of Police's designee of his action and the reasons therefor. Upon receipt of such report, the Chief of Police, or Chief of Police's designee may make such an order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Chief of Police, or Chief of Police's designee fails to act during the period of the interim order, upon expiration of the period, the interim order automatically is vacated.

§ 204-11. Appeal of restraint or muzzling. [Amended 9-24-2024 by Bill No. 2024-114]

The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article may file a request in writing with the Animal Control Officer that the restraining order be vacated or that the dog be released. After investigation by the Animal Control Officer, such officer may vacate such order or release such dog, if the order or restraint was imposed by him. If the order or restraint was imposed by the Chief of Police, or Chief of Police's designee, the Animal Control Officer shall submit a written report of his investigation, with his recommendations, to the Chief of Police, or Chief of Police's designee which may vacate the order.

§ 204-12. Authority of Animal Control Officer. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

In addition to any other statutory authority in MGL c. 140, the Animal Control Officer may enter a complaint before the Chief of Police, or Chief of Police's designee for the purpose of obtaining an order with respect to the control or disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this article.

§ 204-13. Disposition of fees and fines. [Amended 9-24-2024 by Bill No. 2024-114]

All fees and/or fines collected in relation to the control of dogs within the City of Amesbury, unless controlled by law, shall be deposited with the Treasurer of the City and deposited as part of the general fund.

§ 204-14. Transfer of control or ownership within City.

- A. The owner of any dog that is sold or given away, or whose custody is otherwise transferred, to any other resident of the City shall provide said resident with a copy of all medical records, licenses and the like for said dog.
- B. Any resident of the City who buys or accepts custody of any dog previously registered in the City shall notify the City Clerk within 30 days of said transfer.

§ 204-15. Unspayed female dogs.²⁷

In addition to the charges outlined in § 204-8, the owner of any unspayed and unleashed female dog found to be roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a penalty as provided in § 1-2 of this Code.

§ 204-16. Animal wastes.

- A. Each person who owns, keeps or controls a dog within the City shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area, or on any private property which is not owned or occupied by such person.
- B. No person who owns, keeps or controls a dog within the City shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device which is suitable for picking up and containing feces, unexposed to such person and to the general public.
- C. This section shall not apply to a dog accompanying any handicapped person who, by reason of a handicap, is physically unable to comply with the requirements of such section.

§ 204-17. Control of livestock and farm animals.

No person shall knowingly permit any horses, cattle, swine, sheep, goats, poultry or other livestock under his care to feed by the roadside or to roam at large upon the land of another, except if it is on the premises of another person with the knowledge and permission of such other person, nor allow such animal to roam at large on any portion of any public highway.

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Dangerous Dogs
[Adopted as Art. 39 of the 1990 Bylaws]

§ 204-18. Findings and purpose. [Amended 9-24-2024 by Bill No. 2024-114²⁸]

- A. It is hereby declared that dangerous dogs have become a serious and widespread threat to the safety and welfare of the citizens of the City of Amesbury, in that dangerous dogs have in recent years assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed numerous dogs. Many of these attacks have occurred in public places.
- B. The number and severity of these attacks are also attributable to the failure of owners to register, confine and properly control dangerous dogs.
- C. It is further declared that the owning, keeping or harboring of dangerous dogs is a nuisance.
- D. It is further declared that, because of the danger posed to the public health, safety and welfare by dangerous dogs, this article constitutes an emergency measure providing for the immediate preservation of the public health, safety and welfare of the citizens of the City of Amesbury.

§ 204-19. Definitions. [Amended 7-13-2010 by Bill No. 2010-057;²⁹9-24-2024 by Bill No. 2024-114]

As used in §§ 204-18 through 204-25, inclusive, of this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

ANIMAL CONTROL OFFICER — Any person designated by the Mayor and may be a police officer or constable.

ENCLOSURE — A fence or structure of at least six feet in height suitable to prevent the entry of young children and confine a dangerous dog. "Enclosure" also means other measures which may be taken by the owner or keeper, such as tethering of the dangerous dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

HEARING AUTHORITY — In compliance with G.L. c. 140, § 136A, the Amesbury hearing authority for dangerous and nuisance dogs shall be the Chief of Police, or Chief of Police's designee. The hearing authority shall make determinations based on G.L. c. 140, § 157. If the hearing authority deems the dog as dangerous or nuisance, the hearing authority shall issue orders in compliance with G.L. c. 140, § 157, which has precedence over any possible discrepancies in this section of the Amesbury City Code.

IMPOUNDED — Taken into the custody of the public pound.

MUZZLE — A device constructed of strong soft material or a metal muzzle. Such muzzle may not interfere with the vision or respiration of any dog, nor shall it cause any injury to the dog. It must prevent the dog from biting any animal or person.

PERSON — A natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

DANGEROUS DOG — Any dog:

- A. That when unprovoked inflicts bites or attacks a human being or other animals, either on public or

28. Editor's Note: This bill also changed the title of this article from "Vicious Dogs" to "Dangerous Dogs."

29. Editor's Note: Throughout this article, references to "Dog Officer" were amended to "Animal Control Officer."

private property, or in a dangerous or terrorizing manner approaches any person in apparent attitude of attack upon the streets or sidewalks or in any public grounds or places;

- B. With a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- C. Which attacks a human being or domestic animal without provocation;
- D. Owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
- E. Not licensed according to City law.

§ 204-20. Requirements for licensing. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

- A. Every dog six months or older shall be licensed pursuant to MGL c. 140, § 137. No dangerous dog shall be licensed by the City of Amesbury for a licensing period commencing after January 1987 unless the owner or keeper of such dangerous dog shall meet the following requirements:
 - (1) The owner or keeper shall present to the City Clerk or other licensing authority proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000 covering any damage or injury which may be caused by such dangerous dog during the twelve-month period for which licensing is sought. The policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of the City Clerk or other licensing authority to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.
 - (2) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by Subsection A during the twelve-month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dangerous dog prior to expiration of such license.
 - (3) The owner or keeper shall have a licensing number assigned to any dangerous dog, or such other identification number as the City Clerk or other licensing authority shall determine. That number shall be noted on the City licensing files for such dangerous dog.
 - (4) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from the public highway or roadway.
 - (5) The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the dangerous dog on the property where the dangerous dog will be kept or maintained.
 - (6) The owner or keeper shall notify the licensing authority within 24 hours if a dangerous dog is unconfined, has attacked another animal or has attacked a human, or has died or has been sold or given away. If the dangerous dog has been sold or given away, the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new dog owner of the dangerous dog.
- B. The Animal Control Officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provision of this article, and such Animal Control Officer is hereby empowered to seize and impound any dangerous dog whose owner or keeper fails to comply with the

provisions hereof.

§ 204-21. Control of dangerous dogs. [Amended 9-24-2024 by Bill No. 2024-114]

- A. All dangerous dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises which does not have a locked enclosure.
- B. It shall be unlawful for any owner or keeper to allow any dangerous dog to be outside of the dwelling of the owner or outside of the enclosure, unless necessary for the owner to obtain veterinary care for the dangerous dog, or to sell or give away the dangerous dog, or to comply with commands or directions of the Animal Control Officer with respect to the dangerous dog, or to comply with provisions of this article. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length and shall be under the direct control and supervision of the owner or keeper of the dangerous dog.

§ 204-22. Dog fighting; possession with intent to sell. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

- A. No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.
- B. No person shall possess with intent to sell or offer for sale, breed, or buy or attempt to buy within the City any dangerous dog as described in Subsection A.

§ 204-23. Seizure of dangerous dog. [Amended 9-24-2024 by Bill No. 2024-114]

In the event that the Animal Control Officer or a law enforcement agent has cause to believe that a dangerous dog is being harbored or cared for in violation of this article, the Animal Control Officer or law enforcement agent may order the seizure and impoundment of the dangerous dog pending trial.

§ 204-24. Action for damages; destruction of offending dangerous dog. [Amended 9-24-2024 by Bill No. 2024-114]

- A. If any dangerous dog shall kill or wound, or assist in killing or wounding, any sheep, lamb, cattle, horse, hog, swine, fowl or other domestic animal belonging to or in the possession of any person, or shall attack, assault, bite or otherwise injure any person, or assist in attacking, assaulting, biting or otherwise injuring any person while out of or within the enclosure, whether or not such dangerous dog escaped without fault of the owner or keeper, the owner or keeper shall be liable to the person aggrieved for all damages sustained, pursuant to MGL. c. 140, § 155.
- B. Upon attack or assault by a dangerous dog, the Animal Control Officer of the City is hereby empowered to confiscate and destroy the dangerous dog after a hearing as provided by § 204-25 of this article, if the conduct of such dangerous dog or its owner or keeper constituted a violation of the provisions of this article.

§ 204-25. Violations and penalties. [Amended 7-13-2010 by Bill No. 2010-057; 9-24-2024 by Bill No. 2024-114]

- A. Any dangerous dog, except those ruled dangerous for violation of Subsection A(5) of the definition of "dangerous dog" in § 204-19 solely, whose owner or keeper does not secure the liability insurance coverage required in accordance with § 204-20A(1) of this article, or which is not maintained on

property with an enclosure, or which shall be outside of the dwelling of the owner or keeper or outside of an enclosure, except as provided in § 204-21B, may be confiscated by the Animal Control Officer and be destroyed in an expeditious and humane manner after a hearing as provided by this section. In addition, the owner or keeper shall pay a fine as provided in § 1-2 of this Code.

- B. If any dangerous dog shall kill, wound or assist in killing or wounding any domestic animal, as described in § 204-24A of this article, the owner or keeper of said dog shall pay a fine as provided in § 1-2 of this Code. The Animal Control Officer is empowered to confiscate and destroy said dangerous dog after a hearing as provided in this section.
- C. If any dangerous dog shall attack, assault, wound, bite or otherwise injure or kill a person, the owner or keeper of said dog shall pay a fine as provided in § 1-2 of this Code. The Animal Control Officer is empowered to confiscate and destroy said dangerous dog after a hearing as provided in this section.
- D. All fines paid pursuant to this section shall be paid to the City of Amesbury.
- E. No dog shall be destroyed within 10 days of being impounded:
- F. If the owner or keeper of an animal impounded for an alleged violation of §§ 204-20 to 204-24 inclusive of this article believes that there has not been a violation of such sections, the owner or keeper may file a complaint in the District Court. The impounded dog shall not be destroyed pending resolution of the owner's or keeper's complaint if the complaint shall have been filed within 10 days of impoundment of such dog. If the Court shall find that there shall not have been a violation of §§ 204-20 to 204-24 inclusive of this article, such dog may be released to the custody of the owner or keeper upon payment to the poundkeeper of the expense of keeping such dog, as determined in accordance with MGL c. 140, § 157.

BICYCLES AND PLAY VEHICLES

Chapter 219

BICYCLES AND PLAY VEHICLES

[HISTORY: Adopted by the Town of Amesbury as Art. 45 of the 1990 Bylaws. Amendments noted where applicable.]

§ 219-1. Skateboards, roller skates and roller blades prohibited in certain areas.

- A. No skateboards or roller skates/roller blades will be allowed to be used on the sidewalks or other pathways/stairways intended for pedestrian use in the areas of the central business district defined as follows:
- (1) Main Street from Sparhawk Street to Market Square.
 - (2) School Street.
 - (3) Friend Street from School Street to Main Street.
 - (4) Elm Street from Market Square to R Street.
 - (5) Market Street from Boardman Street to Market Square.
 - (6) The Millyard.
 - (7) Market Square.
 - (8) All municipal parking areas.
 - (9) All City property not designated for this purpose, i.e., public buildings and their grounds, including but not limited to the public library, City Hall, and Ordway Building (Council on Aging).
- B. Additionally, skateboards, roller blades and roller skates shall be not be permitted on streets and sidewalks that are part of the Heritage Vale and Powow Villa housing developments, specifically Nayson's Court, Summer Street and all Amesbury Housing Authority streets and paths adjacent to Powow Villa units and all Amesbury public school property.³⁰

§ 219-2. Violations and penalties.³¹

Each offense shall be punishable by a fine of \$50. Any violator of this chapter who is unable to properly identify himself to a police officer at the time of the offense may have his skateboard, roller blades or roller skates confiscated by the police until such time as the party can provide proper identification to the police.

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

AMESBURY CODE

Chapter 225

BUILDINGS, DEMOLITION OF

[HISTORY: Adopted by the Town of Amesbury as Art. 40 of the 1990 Bylaws; amended in its entirety 10-30-2006 by Bill No. 2006-076. Subsequent amendments noted where applicable.]

§ 225-1. Intent and purpose.

This chapter is adopted for the purpose of preserving and protecting significant buildings or structures within the City which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; to resist and restrain environmental influences adverse to this purpose; to encourage owners of preferably preserved significant buildings or structures to seek out persons who might be willing to purchase and to preserve, rehabilitate, or restore such buildings or structures rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the City, and to make the City a more attractive and desirable place in which to live. To achieve these purposes, the Amesbury Historical Commission is empowered to advise the Amesbury Building Commissioner with respect to the issuance of permits for demolition, and the issuance of demolition permits for significant buildings and structures is regulated as provided in this chapter.

§ 225-2. Definitions.

The following terms, when used, whether or not capitalized, in this chapter, shall have the meanings set forth below, unless the context otherwise requires:

APPLICATION — An application for a permit for the demolition of a building or structure.

BUILDING — A combination of any materials having a roof and enclosed within exterior walls or fire walls built to form a structure for the shelter of persons, animals or property.

BUILDING COMMISSIONER — The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.³²

COMMISSION — The Amesbury Historical Commission.

COMMISSION STAFF — The Chairman of the Commission, the person performing the functions of the Chairman in the event that there is no person with the title of Chairman as such, or any other person regularly providing staff services for the Commission to whom the Commission has delegated authority to act as Commission staff under this chapter.

DEMOLITION — The act of pulling down, destroying, removing, or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same. "Demolition" also includes any of the following actions when visible from a public way: removal of a roof or removal of one or more sides of a building or structure. "Demolition" does not include the removal of a roof or one or more sides of a building or structure if it is to be replaced in kind, subject to all other applicable codes and regulations.

DETERMINATION — Any determination contemplated in § 225-3 of this chapter made by the Commission or the Commission staff.

ESSENTIAL SERVICES — Those services/utilities which have been in place in a building, including but not limited to electric, gas, water, sprinkler systems, fire alarm, smoke alarm, and fire panel.

HISTORICALLY SIGNIFICANT BUILDING OR STRUCTURE — Any building or structure within the City which is in whole or in part 75 or more years old and one or more of the following:

- A. Which is within any historic district;
- B. Which is listed on or is within an area listed on the National Register of Historic Places or which is the subject of a pending application for listing on said National Register;

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Which is or has been designated by the Commission to be a significant building or structure which either is:
- (1) Importantly associated with one or more historic persons or events or with the broad architectural, cultural, political, economic, or social history of the City or the commonwealth; or
 - (2) Historically or architecturally significant (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings; or
- D. Which is included in Amesbury's Comprehensive Historic Resource Inventory.

HISTORIC DISTRICT — Any existing or pending National Register district or local historic district that may from time to time have been established by ordinance.³³

PERMIT — A permit issued by the Building Commissioner for demolition of a building or structure pursuant to an application therefor.

PREFERABLY PRESERVED — Any significant building or structure which the Commission determines, as provided in § 225-3 of this chapter, is in the public interest to be preserved or rehabilitated rather than to be demolished.

STRUCTURE — A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, or the like.

§ 225-3. Procedure.

- A. Demolition permit application. The Building Commissioner shall forward a copy of each demolition permit application for a building or structure that is more than 75 years old to the Commission within five business days of the filing of such application. A request for demolition of a building must be submitted to, received and approved by the Commission before any essential services to said building may be discontinued and/or shut off.
- B. Determination as to historical significance. Within 60 days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she so chooses. If the Commission determines that the building or structure is not historically significant, the Commission shall so notify the Building Commissioner in writing and the Building Commissioner may issue a demolition permit. If the Commission determines that the building or structure is historically significant, the Commission shall notify the Building Commissioner in writing that a demolition review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Commissioner of its determination within 60 days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Commissioner may issue a demolition permit.
- C. Demolition review package.
- (1) Demolition review package requirements. Not more than 60 days after the Commission's determination that a building or structure is historically significant, the applicant for the permit shall submit to the Commission 10 copies of a demolition review package which shall include all the following information:

33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (a) A map to scale showing the location of the building or structure to be demolished on its property, including the footprint of that building or structure and property boundaries (e.g., Assessors' Map).
 - (b) Photographs, four inches by six inches or larger, of all sides of the exterior of the building or structure. Surrounding areas and any deterioration should also be documented via photographs.
 - (c) A description of the building or structure, or part thereof, to be demolished to the extent known by the applicant. This may include information on the period, architectural style, method of building construction, association with a reputed architect or builder, or important associations with one or more historic persons or events or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth of Massachusetts.
 - (d) The reason for the proposed demolition and data supporting said reason, including where applicable data sufficient to establish any economic justification for demolition.
 - (e) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.
 - (f) Plans for site improvements and, if a new structure is being planned, preliminary plans and elevations of the new structure.
 - (g) Depending on the scope of the project, additional materials may also be requested for the hearing as follows:
 - [1] Structural analysis report prepared by a Massachusetts licensed structural engineer.
 - [2] Other materials that may help the Commission evaluate whether the property is subject to delay.
- (2) Public hearing and public notice. Upon receipt of the demolition review package referenced in Subsection C(1), the Commission shall fix a reasonable time for a public hearing on the application within 65 days from receipt of the demolition review package. At least 28 days before said hearing, the Commission shall give notice thereof to the applicant in writing, including the time, place and purpose of the hearing.
- (a) Notification of abutters. Not less than 14 days prior to said hearing, the applicant shall send a copy of said notice by certified mail to the owners of all abutting property at their mailing addresses shown in the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water, and to such other persons as the Commission shall deem entitled to notice.
 - (b) Publication of notice.
 - [1] The applicant shall provide said notice to a newspaper of general circulation in the municipality, to be published as a legal notice at least 14 days and again seven days prior to public hearing.
 - [2] Certified mail receipts and newspaper tear sheet including date of publication shall

be turned in to the Commission by the applicant prior to the opening of the public hearing.

[3] All costs associated with publication of legal notice and required mailings shall be the responsibility of the applicant. Failure to comply with any of the above will result in a delay of the public hearing.

- (3) Time line for determination. The Commission shall have 90 days from the opening of public hearing to make its decision. During this period, the Commission may request comment from other City boards, committees, or individuals as appropriate. The Commission shall file, within 15 days from the close of said public hearing, a written report with the Building Commissioner which shall include the following:
 - (a) A description of the age, architectural style, historical associations and importance of the building or structure to be demolished.
 - (b) A determination as to whether or not the building or structure should be preferably preserved.
- (4) Finding of building or structure to be preferably preserved. If the building or structure is determined to be preferably preserved following the demolition plan review, then the Building Commissioner shall not issue a demolition plan permit for a period of 18 months from the date the Commission's report is filed with the Building Commissioner unless the Commission informs the Building Commissioner prior to the expiration of such eighteen-month period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure or has agreed to accept a demolition permit on specified conditions approved by the Commission. If no such agreement has been made, after the eighteen-month period has passed the demolition permit shall be issued, provided that all plans for proposed use of the site after demolition have been found to comply with applicable laws and all permits and approvals for the development have been obtained. Notwithstanding the foregoing language contained in this Subsection C(4), if the demolition involves the removal of a roof or one or more sides of a building or structure, not to be replaced in kind, the maximum length of the demolition delay shall not exceed a period of 12 months from the date that the applicant has submitted an application for a permit for such demolition.

§ 225-4. Expiration of demolition permit.

The demolition permit shall expire after 24 months of being issued. This means that once the above conditions have been satisfied, the owner of the property has 24 months to demolish the building or structure. If the building or structure is not taken down in that period, the owner shall submit a new demolition permit application for Commission review.

§ 225-5. Emergency demolition.

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Commissioner. As soon as practicable after receipt of such request, the Building Commissioner shall arrange to have the property inspected by a board consisting of himself or his designee, the City Engineer or his designee, the Chairman of the Commission or his designee, and one disinterested

person chosen by the Building Commissioner. After inspection of the building or structure and consultation with the other members of the board, the Building Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the Building Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the Building Commissioner issues an emergency demolition permit, he shall prepare a written report describing the condition of the building or structure and the basis of his decision to issue an emergency demolition permit. A copy of this written report shall be filed with the Commission.

§ 225-6. Enforcement and remedies.

- A. Enforcement. The Commission and Building Commissioner are each specifically authorized to institute all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- B. Building permit to be withheld. No building permit shall be issued with respect to any premises upon which a building or structure that is included in Amesbury's Comprehensive Historic Resource Inventory or is 75 years or more old has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this chapter for a period of two years after the date of the completion of such demolition. As used herein "premises" refers to the parcel of land upon which the demolished building or structure was located and all adjoining parcels of land under common ownership or control.

BUILDINGS, NUMBERING OF

Chapter 229

BUILDINGS, NUMBERING OF

[HISTORY: Adopted by the Town of Amesbury as Art. 35 of the 1990 Bylaws. Amendments noted where applicable.]

§ 229-1. Numbering required.³⁴

The City hereby requires the numbering of every dwelling, building or structure, whether existing on the date of adoption of this chapter or which may exist in the future, on all public or private ways located in the Town of Amesbury.

§ 229-2. Placement and size of numbers.

The owner of said building shall place on the building or at the entrance of said property, if the structure is not readily visible from the way, such number so as to be plainly visible from the street which abuts the main entrance to such property. House numbers shall be no less than two inches in height.

§ 229-3. Assignment of numbers.

Numbers shall be assigned by the appropriate Town of Amesbury agency or agencies.

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

AMESBURY CODE

Chapter 237

CEMETERIES

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury 6-12-2007 by Bill No. 2007-041 (Art. 17, Sec. 9 of the 1990 Bylaws). Amendments noted where applicable.]

§ 237-1. Management.

The Director of the Department of Public Works (DPW) shall have overall responsibility for the proper management of City cemeteries in accordance with these rules and regulations and applicable federal and state laws.

§ 237-2. Cemetery hours.

Cemeteries will be open for visitation between the hours of dawn and dusk in accordance with MGL c. 114, § 42A. Mount Prospect Cemetery lower gate closes to motor vehicles at 3:00 p.m. The upper gate will remain open for pedestrian access during cemetery hours.

§ 237-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CORNER MARKER — A one-piece stone or other approved material set at all four corners, flush with the ground, of a lot to mark the location of the particular grave or lot.

FOOT STONE — A stone to mark the location of a particular grave and shall be set at or below ground level at the foot of the grave. No more than one foot stone measuring no more than two feet by one foot by eight inches is allowed on each grave.

GRAVE — Applies to a space of approximately 3 1/2 feet by 10 feet to accommodate one vault for single-depth burial or two vaults for double-depth burial or up to four cremations interments.

HEADSTONE — A stone set vertical or flush to mark the location of a particular grave and shall be erected at the head of the grave.

LOT — Applies to a space laid out in the cemetery to accommodate multiple graves.

LOT/GRAVE DEED — An instrument issued by the City giving the lot purchaser the right of interment of human remains only.

LOT MARKER — Any marker or means used by DPW to locate the corner of the lot.

MONUMENT — Any memorial structure of granite, marble or other natural stone which shall extend above the surface of the ground, other than a tomb, mausoleum, headstone, foot stone, or grave marker.

§ 237-4. General cemetery rules.

- A. Dignified behavior shall be observed at all times in any of the cemeteries.
- B. Visitors must refrain from trespassing upon grave lots whenever possible.
- C. No motorcycling, minibiking, snowmobiling, cross-country skiing, bicycling, skateboarding or any other type of recreational sport is allowed.
- D. Vehicles must proceed cautiously, but at no time shall they exceed 15 miles per hour on cemetery roads.
- E. Vehicles must remain on the roads and should not park or drive on lawn area of the cemetery.
- F. A public way must not be laid out or constructed in, upon or through a burial ground in accordance with MGL c. 114, § 41. Existing cemetery ways must not be used as public ways or cut throughs.
- G. Plantings by flush markers are prohibited.

- H. No shrubs shall be planted on individual lots. Shrubs may be donated to the cemetery, and DPW will plant the donated shrub in a designated memorial planting area within the cemetery.
- I. The disposal of flowers and other debris is prohibited except in receptacles provided by the DPW.
- J. The DPW shall remove funeral floral arrangements.
- K. No firearms are allowed in the cemeteries unless by public safety personnel or authorized persons on military occasions.
- L. The City is not responsible for damage to flowers, flags, containers or holders due to weather, vandalism, theft or maintenance procedures.
- M. Domesticated animals are prohibited except for those which provide assistance to and are accompanied by a physically impaired person.

§ 237-5. Permitted decorative items.

- A. Planting may be placed within 12 inches of the front of the main headstone only and may be bark mulched.
- B. Urns or clay pots may be placed in the twelve-inch planting area to the front of the headstone only.
- C. Artificial flowers are permitted.³⁵
- D. Wreaths and Christmas greens are permitted, which will be removed after February 1 of each year, weather permitting.³⁶
- E. Veteran flags may be installed at the back edge of the flush marker only and must be maintained in proper, presentable condition.
- F. Religious artifacts may be placed at the base of the headstone only.
- G. The Director of the Department of Public Works has the right to have anything removed from a lot that he considers to be objectionable or injurious to the use, purpose and uniform esthetics of any cemetery or in violation of any of the rules and regulations governing its operation.

§ 237-6. Cemetery maintenance and repair.

- A. The Director of Public Works or DPW employees under his direction shall have the right to enter upon any lot or other part of any City-maintained cemetery to inspect, view or perform such work as may be deemed appropriate.
- B. The DPW may, at any time, lay out, alter, or eliminate sections of driveways, cartways or walkways or change grade in a manner which in its opinion will maximize the appropriate usage of cemetery property without jeopardizing its esthetic qualities.
- C. Gravestone rubbings are prohibited without the specific authorization of the Director of the Department of Public Works.
- D. The City reserves to itself the exclusive control, without further recourse or notice, over every tree,

35. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

shrub, vine, or other plant growth within the boundaries of all City-owned cemeteries, including the right of removal without notice of any tree, shrub or vine when it considers such removal necessary. The removal of plants or stripping of blossoms from the trees is prohibited. Tapping of trees is prohibited.

§ 237-7. Violations and penalties.

Any person who violates the cemetery rules and regulations and/or willfully or neglectfully damages, defaces or destroys cemetery property, including fences, gates, grounds, markers, monuments and graves, shall be subject to fines and/or prosecution by the proper authority, to include but not be limited to the following:

- A. Any person violating this chapter shall be liable to the City in the amount of \$50 for the first violation and \$100 for each subsequent violation. Fines shall be recovered by or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D and Chapter 1, Article I of this Code. Each day of violation shall constitute a separate offense. The Director of the Department of Public Works and his designees are authorized as enforcing persons for this purpose. Section 237-4M may be enforced by the Animal Control Officer.
- B. Massachusetts General Laws Chapter 272, § 73, which addresses the willful destruction, removing or injuring of tombs, graves, memorials, trees, or plants within a cemetery, punishable by a fine of not more than \$5,000 or imprisonment.
- C. Massachusetts General Laws Chapter 272, § 74, which addresses the desecration of a burial place, which includes fences, trees, shrubs, paths and plants, punishable by a fine of up to \$100.
- D. Massachusetts General Laws Chapter 272, § 75, which addresses the removal of flowers, flags or memorial tokens from a burial lot, punishable by a fine of not more than \$1,000 or imprisonment.

§ 237-8. Burial lots.

City-maintained cemeteries are nondenominational and all burial lots are available regardless of religious affiliation.

§ 237-9. Interment.

- A. Interments are not made on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving and Christmas.
- B. There will be an extra charge for all funerals on Saturdays, Sundays and holidays and processions arriving after 2:00 p.m. weekdays.
- C. A burial request must be received from the funeral director 48 hours in advance of an interment. An additional fee will be assessed for any burial request that does not provide the forty-eight-hour notification.
- D. The Department will receive telephone orders for opening a grave but disclaims liability of error in such cases. All written orders must be plainly and correctly written in ink.
- E. No interment will be made without an interment order and burial permit.
- F. No interment will be made until all fees charged for the same have been paid.

- G. Funeral directors are required to have all interment orders signed by the proprietor or legal representative of the lot or grave and presented to the Public Works office before the time set for interment.
- H. All interments must be made in permanent containers and enclosed in an outer container/vault made of durable and lasting material approved by the Director of Public Works or his/her designee.
- I. In cases of extreme weather conditions or other causes beyond human control, or because of any other extenuating circumstances, the Director of Public Works or designee may at his discretion postpone making a scheduled interment until conditions permit interment.
- J. The Director of Public Works or designee may refuse to make an interment until a more expedient time if too many funerals are scheduled to arrive at the same hour.
- K. All funerals must enter the cemetery through the main gate and upon entering shall be under the charge of the Director of Public Works or his assistants.

§ 237-10. Disinterment.

For any disinterment, a funeral director must be engaged to ensure compliance with relevant Massachusetts laws. Removals are prohibited between May 15 and October 15.

§ 237-11. Burials during winter season.

During the winter season, the decision as to whether a grave can be dug or whether the body must be placed in the vault rests with the Director of Public Works or designee. It is the intention of the DPW to perform burials throughout the winter but this is weather dependent and delays should be anticipated.

§ 237-12. Markers.

- A. All foot markers must be flush with the existing ground. Slant markers are not allowed. Any military marker or monument supplied by the government must be flush with the ground.
- B. No foundations will be constructed and no stonework will be set when the ground is not in the proper condition for such work.
- C. Fees charged for foundations and the installation of markers must be paid in full prior to installation.
- D. All monuments and/or markers (other than bronze veteran markers) shall be made of good quality granite, hard marble or other natural stone not susceptible to disintegration or corrosion.
- E. All work must be performed during normal working hours of the cemetery, and all contractors will be held responsible for the protection of other stones, paths, avenues, graves, trees and shrubs.

§ 237-13. Applicability.

- A. This chapter adopted by the City known as the Town of Amesbury on June 12, 2007, shall govern the operation and management of all City cemeteries, as provided for in MGL c. 114. Rules and regulations adopted in 1957 are hereby superseded and cancelled.
- B. Per the Acts and Resolves of the Massachusetts General Court in the year 1958, these rules and regulations do not supersede rules, regulations or rights conveyed to deeded lots in Old Corner Cemetery or Mount Prospect Cemetery, acquired from the Association prior to conveyance of the

cemeteries to the City.

CONSTRUCTION

Chapter 244

CONSTRUCTION

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

AMESBURY CODE

Demolition of buildings — See Ch. 225.

Earth removal — See Ch. 260.

ARTICLE I

Excavations Near Gas Lines

[Adopted 12-28-1999 by Bill No. 99-176; amended in its entirety 1-14-2003 by Bill No. 2002-175]

§ 244-1. Proximity to school buildings.

- A. Pursuant to Section 6-1(a)(2) second paragraph of the Charter of the Town of Amesbury, no construction work which involves ground drilling, digging or any other form of excavation shall be permitted within 50 feet of a gas line that is within 300 feet of any school building while school is in session, unless it is an emergency involving public safety. Any excavation in such an area must be clearly marked and inspected by the Building Commissioner prior to digging.
- B. If there is a need for emergency work within those areas at any time, day or night, notification shall be made to the Superintendent of Schools.

§ 244-2. Additional requirements.³⁷

Any such excavation shall also be subject to the requirements of Chapter 400, Streets and Sidewalks, § 400-3 of this Code.

§ 244-3. Violations and penalties.³⁸

Violations of this article shall be subject to the enforcement and penalty provisions of Chapter 400, Streets and Sidewalks, § 400-7 of this Code.

37. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

38. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

EARTH REMOVAL

Chapter 260

EARTH REMOVAL

[HISTORY: Adopted by the Town of Amesbury as Art. 24 of the 1990 Bylaws; amended 5-9-1994 by Art. 57. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Demolition of buildings — See Ch. 225.

Streets and sidewalks — See Ch. 400.

Excavations near gas lines — See Ch. 244, Art. I.

§ 260-1. Permit required.

The removal of soil, loam, sand and gravel from any parcel of land not in public use in the City shall be allowed only after a written permit therefor is obtained from the Mayor.³⁹

§ 260-2. Existing activities.

This chapter shall supersede the Earth Removal Bylaw adopted by the Town of Amesbury on October 26, 1964, and the amendment adopted by the City effective July 1, 1968, and shall become effective upon approval by the Attorney General of the commonwealth. All continuous earth removal activities in actual operation may continue their operations without new permits for one month after the Attorney General's approval, but exactly one month to the day of the Attorney General's approval the new permits shall be required of all removal operations within the City.

§ 260-3. Excavation for single home.

Landowners wishing to build a home or other buildings requiring a cellar on one parcel of land shall apply for an earth removal permit from the Mayor who may grant the permit without first calling a public hearing. The landowner must present a site plan, details of the excavation, size, destination of the soil to be excavated and a written guarantee that a building will be placed over the excavation within one year after obtaining a permit.

§ 260-4. Excavations for other types of construction.

Developers of garden apartments, subdivisions or any other type of construction which falls under the jurisdiction of the Planning Board must first have Planning Board approval of plans before applying for an earth removal permit. The Mayor may grant the permit, to include cellar excavations and/or roadways, without a public hearing on receipt of proof of Planning Board approval of plans, details of each excavation, size, destination of the soil to be removed, and a written guarantee that the cellar excavations will be covered by buildings within a year after obtaining a permit and posting of a bond of \$5,000, certified check or other security as guarantee by the owner that such plans will be fulfilled, such sum to be returned in full after excavations have been satisfactorily covered and the site restored.

§ 260-5. City, state or federal projects.

The Mayor may issue a permit for removal of soil from any parcel of land in the City where such removal is necessary in connection with the construction of a road or other facility, including a municipal or state building, or federal project without a public hearing when the permit is requested by the City, state or federal government.

§ 260-6. Commercial excavations.

- A. On receipt of an application for a commercial excavation, the Mayor shall call for a public hearing to be held within 10 days after receipt of the application, all abutters to the proposed site to be notified

39. Editor's Note: Throughout this chapter, references to the Board of Selectmen were amended to refer to the Mayor at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

through newspaper advertising.

- B. The applicant shall present a site plan of the parcel as it stands, plus a plan of its future appearance after excavation, with details on the excavation, size, and destination of the soil to be removed, and shall post a bond of \$10,000, certified check or other security as guarantee that the excavator and landowner shall abide by the laws of the Town of Amesbury regarding earth removal, which shall be:
- (1) Excavation shall not be conducted less than 300 feet from any boundary of the site to be excavated.
 - (2) No excavation shall be made deeper than one foot above road level.
 - (3) No excavation shall damage river banks or any other natural resources.
 - (4) At completion of the excavation the side of the pit must be left at a slope of two to one with one overhanging ledge.
 - (5) At completion of the excavation the floor of the pit must be graded to avoid any stagnant water pools which could later form.
- C. Whoever violates the provisions of any these specifications shall be subject to a fine of \$50 for the first offense, \$100 for the second offense and \$200 for each subsequent offense, each day of violation to be considered a separate offense, and shall also be subject to revocation of the earth removal permit by the Mayor.⁴⁰
- D. The bond of \$10,000 required of commercial earth removal excavators shall be returned, in full, upon completion of the excavation and after the site has been restored to conform to the above regulations.

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ELECTRICAL SERVICES

Chapter 266

ELECTRICAL SERVICES

[HISTORY: Adopted by the Town of Amesbury as Art. 38 of the 1990 Bylaws. Amendments noted where applicable.]

§ 266-1. Permits.

Permits to install electrical services will only be issued to electricians duly licensed by the Commonwealth of Massachusetts. Permits for electrical work, other than services, may be issued to a homeowner, provided that the homeowner resides on the property and the structure is a single-family dwelling.

AMESBURY CODE

Chapter 270

ENVIRONMENTAL HAZARDS

HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.

ARTICLE I
Plastic Bag Reduction
[Adopted 3-12-2019 by Bill No. 2019-004]

§ 270-1. Use restricted.

The City of Amesbury hereby restricts the use of thin-film plastic bags for the bagging of customer purchases at and by retail establishments throughout the City, except as identified in the list of exemptions provided in this article.

§ 270-2. Title.

This article shall also be cited as the "Plastic Bag Reduction Ordinance."

§ 270-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHECKOUT BAG — A carryout bag provided by a retail establishment to a customer at the point of sale.

RETAIL ESTABLISHMENT — Any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to the customer, including but not limited to convenience and grocery stores, restaurants, pharmacies, stores that sell wine, beer or spirits, seasonal and temporary businesses, gift and clothing stores and shops, gas stations, and household goods stores.

THIN-FILM PLASTIC BAG — Bag made of plastic that is 3.0 mils (3/1,000 inch) in thickness or less.

§ 270-4. Purpose.

- A. The purpose of this article is to reduce the amount of thin-film plastic bags used at City retailers in an effort to protect the environment and waterways by reducing the amount of this typically single-use, nonrecycleable/noncompostable material in landfills, waterways, as litter, and in the recycling bin or cart.
- B. Plastic checkout bags are infrequently recycled and often disposed of improperly. Low rates of voluntary recycling, not appropriate for municipal curbside recycling, clog and damage the mechanisms of recycling machinery. Plastic bags are not allowed in the City's single stream recycling bins (see DPW web page), and their wrongful inclusion in recycling bins clogs machinery and stops workflow at recycling processing centers. Inclusion of these bags can contribute to truckloads of recyclable materials being deemed too impure and thus dumped wholly as trash, causing additional cost burdens to municipalities such as ours and additional volume in landfills.
- C. Plastic bags are a well-documented ecologically damaging material to US and global lands and waterways, and the reduction of said material is an important local step that our community can take to reduce this harm. Rather than eventually breaking down into benign substances, plastic bags fracture into small plastic particles (microplastics) which persist indefinitely in the environment.
- D. There are currently 91 municipalities in Massachusetts, hundreds of communities nationally and internationally, several whole countries, as well as some US states that have, or are now considering, bag bans, including Massachusetts (HD.134 and SD.896). More information is available at <http://www.massgreen.org/plastic-bag-legislation.html>.

§ 270-5. Exemptions.

The following list contains the allowed exemptions to this article:

- A. Newspapers and postal delivery bags.
- B. Dry cleaning bags.
- C. Bags in which loose produce or loose products, such as baked goods, are placed by a consumer to deliver such items to the point of sale or checkout area.
- D. Bags used to contain or wrap deli counter products, frozen food, meat or fish, whether prepackaged or not.
- E. Take-out/leftover bags at restaurants that include food or beverage containers that might reasonably be anticipated to seep, drip, or spill.
- F. Checkout bags at grocery stores whose interior finished floor area is less than 15,000 square feet. This exemption does not apply to stores that sell groceries but that also operate in conjunction with a pharmacy or gas station.

§ 270-6. Enforcement.

- A. Upon first violation, the City shall issue a written warning notice to the retail establishment for the initial violation, requiring correction of the violation within 30 days.
- B. If the violation is not corrected within the specified time of 30 days, or an additional violation of this article occurs at some later date after the initial 30 days, the City shall issue a notice of violation and shall impose a penalty against the retail establishment.
- C. The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for the first offense; \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court. A retail establishment that violates this article can be penalized by a noncriminal disposition as provided for in MGL c. 40, § 21D.
- D. No more than one penalty shall be imposed on a retail establishment within a seven-day calendar period.
- E. A retail establishment shall have 30 calendar days after the date that a notice of violation has been issued to pay the penalty.
- F. Enforcement of this article shall be the responsibility of the Health Department.

§ 270-7. When effective; extension for compliance.

The requirements set forth in this article shall become effective six months after the last day of the month of its passage. However, in circumstances where a retail establishment requires additional time in order to draw down its existing inventory of thin-film plastic checkout bags, the retail establishment can request an extension in writing. If the City grants the retail establishment an extension, the retailer will be allowed three additional months to reach compliance with the article meaning that said retail establishment must be in compliance no later than nine months after the last day of the month of its passage.

§ 270-8. Severability.

Each section of this article is an independent section, and in the event any section or part thereof is determined by a court of competent jurisdiction to be unconstitutional, void or ineffective for any reason, such determination shall not invalidate any other sections or parts thereof.

FENCES

Chapter 278

FENCES

[HISTORY: Adopted by the Town of Amesbury as Art. 49 of the 1990 Bylaws. Amendments noted where applicable.]

§ 278-1. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

ABUTTING OWNERS — Owners of the real property immediately adjacent to the boundary line, or portion thereof, of property on which a boundary fence (as hereinafter defined) is to be installed. If a boundary fence is to be installed along only a portion of the length of a boundary line, only those abutters whose property immediately abuts such portion of the boundary line shall be included in the term "abutting owners."

BOUNDARY FENCE — Any fence or fence-like structure that is, or is intended to be, installed on or within five feet of a real property boundary line as determined by the Board of Fence Viewers of the Town of Amesbury.

FENCE or FENCE-LIKE STRUCTURE — A hedge, structure or partition erected for the purpose of monumenting the boundary of a piece of land, enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous parcels or otherwise enclosing a field or other area of land or an object located on land, preventing intrusions from without the land enclosed or straying from within the land enclosed, or providing security or protection to persons, animals, objects or structures located on or occupying land, shielding land or the occupants thereof from noise or view, etc., including but not limited to structures or partitions made of wood, stone, metal or other materials, including trees and shrubs to be planted by an owner to act as a fence as defined herein. This definition does not apply to trees, shrubs or other vegetation already growing at the time this chapter is passed.

OWNER — Any owner of real property located in the Town of Amesbury upon which a fence or fence-like structure subject to this chapter is located or is to be installed. The term "owner" shall include a tenant of such property if a tenant is the one who is responsible for or who will be installing a fence, except that a tenant shall, in addition to the application procedures required under this chapter, submit along with the application written permission from the owner of the property for the tenant to install the fence.

§ 278-2. Permit to install fence in zoning setback areas.

- A. Prohibition against erecting fence in zoning setback areas without permit. No owner of real property located in the Town of Amesbury shall install a fence or fence-like structure on such property within the front, side or rear setback areas set forth in Section VI (Dimensional and Density Regulations) of the City's Zoning Bylaw, as amended from time to time, without first making application for and obtaining a permit from the Board of Fence Viewers based upon a determination that such fence or fence-like structure is not a boundary fence and/or otherwise complies with this chapter, the Zoning Bylaw, any other statutes or ordinances or any other regulations regarding fences issued by the Board of Fence Viewers, the Municipal Council or any other board, commission or agency of the City or the Commonwealth of Massachusetts.
- B. Application for permit to install fence in setback areas and for determination as to whether boundary fence. Any such owner intending to install a fence or fence-like structure within such setback area(s) shall file an application for a fence permit with the Board of Fence Viewers at the City Clerk's office on a form to be promulgated by such Board. Such application should be filed with the City Clerk's office not less than 30 days before the date installation of the fence is to commence. Such application shall be accompanied by:
 - (1) An application fee of \$25; and
 - (2) A copy of such portion of the City's Assessors' Map as is sufficient to show the owner's property and the property of all abutting owners, together with a sketch on such copy showing the

approximate length, width and location of the existing and/or proposed fence and sufficient tape or survey measurements to enable the Board of Fence Viewers to determine whether the fence may be within the Zoning Bylaw setback area(s).

- C. Action by the Board on the application for fence permit; additional information; timing. If such owner has submitted a completed application in accordance with Subsection B, the Board of Fence Viewers shall issue a written determination within 30 days of the submission of the application, unless the Board reasonably believes that additional information is necessary for it to make its determination, in which case the Board shall mail to the owner, within such 30 days, a notification to that effect together with identification of the particular additional information the Board is requesting. Upon submission of such additional information by the owner, the Board shall have an additional 14 days to issue its determination. The Board's determination shall be considered issued upon being filed with the City Clerk and mailed to the applicant at such address as the applicant has provided in the application.
- D. Approval of permit. If the Board's determination is that the fence or fence-like structure is not a boundary fence and to approve the application without further proceedings, then the Board shall issue a permit to install the fence with whatever conditions the Board deems appropriate under the circumstances. If the Board fails to issue a determination one way or the other within the time periods set forth herein, then the application shall be deemed approved and the installation shall be permitted in accordance with the application without further action of the Board. In the latter event, the owner may obtain from the City Clerk a certificate that no determination was filed within the time periods herein provided.
- E. Denial of permit based on determination that fence may be a boundary fence or may violate other ordinances, regulations or statutes. If the Board's determination is that the fence or fence-like structure as proposed is or may be a boundary fence and the installation thereof falls within the procedures set forth in this chapter for a boundary fence, the Board shall so notify the owner and direct the owner to follow those procedures. If the Board determines that the fence will violate any other ordinances, statutes, regulations or bylaws, the Board shall so inform the owner and shall, to the extent possible, direct the owner as to possible actions the owner may take in order to comply or direct the owner to the appropriate authority for further action on the matter.
- F. Appeal of Board's decision. If the owner is aggrieved by a determination of the Board on the application for a fence permit, the owner shall have the same appeal rights as otherwise set forth in this chapter in the case of boundary fences.
- G. Fines and penalties. Violations of this section of this chapter shall carry the same fines, penalties and enforcement procedures as otherwise provided in this chapter for boundary fences.

§ 278-3. Permit to install boundary fence.

- A. Application for boundary fence permit. Notwithstanding the provisions of § 278-2 of this chapter, no owner of real property located in the Town of Amesbury shall install a boundary fence without first obtaining a permit therefor from the Board of Fence Viewers. Whether as an original application under this section or as a result of a determination made pursuant to an application for a fence permit under § 278-2 of this chapter that a proposed fence is or may be a boundary fence, any such owner intending to install a boundary fence shall file an application for a boundary fence permit with the Board of Fence Viewers at the City Clerk's office on a form to be promulgated by such Board. If not already filed as part of an application for fence permit under § 278-2, such application should be filed with the City Clerk's office not less than 30 days before the installation of the boundary fence is to commence but in sufficient time to assure compliance with the thirty-day abutting owner notice

requirements set forth in §§ 278-4 and 278-5 of this chapter.

- B. Instruments to accompany application. To the extent not already provided as part of an application for a fence permit under § 278-2, such application for a boundary fence permit shall be accompanied by:
- (1) A copy of such portion of the City's Assessors' Map as is sufficient to show the owner's property and the property of all abutting owners, together with a sketch on such copy showing the approximate length, width and location of the proposed boundary fence and sufficient tape or survey measurements to enable the Board of Fence Viewers to determine the proximity of the proposed boundary fence location to the boundary line of the property;
 - (2) A copy of the deed of the property to the owner showing the complete description of the property; and
 - (3) An application fee of \$45, provided that a credit shall be given for the application fee of \$25 already paid if the owner followed the procedures under § 278-2 first.

§ 278-4. Notice of intention to install boundary fence.

Any owner of real property located in the Town of Amesbury intending to install a boundary fence on such owner's property shall provide written notice (the "boundary fence notice") of such intention to all abutting owners. The boundary fence notice shall be sent to all abutting owners by certified mail, return receipt requested. For purposes of the boundary fence notice, the abutting owners shall be deemed to be those persons who, according to the records of the Town of Amesbury Tax Assessors' office ("Assessors' records"), appear to be the abutting owners as of the day immediately prior to the date of mailing of the boundary fence notice. The boundary fence notice shall be sent to the abutting owners at their mailing address as shown in the Assessors' records and shall be postmarked not less than 30 days prior to breaking any ground for the purpose of installing the boundary fence.

§ 278-5. Marking of proposed fence location; contents of notice.

Prior to mailing the boundary fence notice, in addition to the sketch required in § 278-2 above, the owner shall mark on the ground the proposed location of the entire boundary fence by a means of temporary marking, such as biodegradable paint, or by inserting stakes and running string or tape between the stakes. Such marking of the proposed location of the boundary fence shall be maintained until a final determination of the Board of Fence Viewers is made on the application for a boundary fence permit. The boundary fence notice shall be made on a form to be promulgated by the Board of Fence Viewers and available at the City Clerk's office, which form shall require, at a minimum, the furnishing of the following information:

- A. A statement that the owner is proposing to install a fence on or within five feet of the boundary line (a "boundary fence") between the owner's property and the abutting owner's property.
- B. A copy of the portion of the Assessors' Map with the sketch of the boundary fence as submitted with the boundary fence permit application to the City Clerk under the requirements of § 278-3 above, together with:
 - (1) A statement that the owner, in the case of an existing fence to be replaced, intends to replace the fence in its current location or, in the case of a new fence or the relocation of a fence, that the owner has also marked the location of the proposed boundary fence on the ground; and
 - (2) A description of the method used to mark the location (e.g., by stakes and string).

- C. A statement that, if the abutting owner wishes to object to the location of the boundary fence, the abutting owner must file a written objection with the Board of Fence Viewers within 14 days from the date of the postmark of the notice, either by delivery to the City Clerk's office at the Amesbury City Hall or by certified mail, return receipt requested, to the Board of Fence Viewers, care of the City Clerk's office, Amesbury City Hall, and that any such objection must provide reasons for the objection.
- D. The mailing address of the owner for receipt of a copy of any written objection filed with the Board of Fence Viewers.

§ 278-6. Objection by abutting owners.

Abutting owners shall have 14 days from the postmark of the boundary fence notice to object to the location of the owner's boundary fence. Such objection must be in writing, must include reasons for the objection, and must be filed with the Board of Fence Viewers within 14 days from the date of the postmark of the notice, either by delivery to the City Clerk's office at the Amesbury City Hall or by certified mail, return receipt requested, to the Board of Fence Viewers, care of the City Clerk's office, Amesbury City Hall. A copy of the written objection shall be mailed to the owner at the address the owner has provided in the boundary fence notice. If all abutting owners fail to timely object in accordance with this section, then the Board of Fence Viewers shall issue the boundary fence permit within seven days after the fourteen-day objection period expires, unless the Board itself has any objections, in which case the Board shall mail a notice of its objections to the owner within such seven-day period. The owner shall have seven days from the postmark date of the notice of objection to file with the Board a written rebuttal to any objections.

§ 278-7. Hearing on objections based on dispute over location of boundary line.

If any abutting owners object to the boundary fence permit application based on a claim that the location of the boundary line between the owner's property and the objecting abutting owner's property is in dispute, the Board of Fence Viewers shall hold a hearing on the objection within 14 days after the expiration of the objection period and shall mail written notice of the date, time and place of the hearing to the owner and the objecting abutting owner not less than seven days prior to the hearing. Such hearing shall be scheduled so as to be reasonably convenient for all parties concerned, and the Board shall allow for a reasonable request for rescheduling by the owner or the objecting abutting owner. In the notice of the hearing, the Board may include such requests for documents, maps, plans, surveys or other information to be provided at the hearing as the Board may deem appropriate to its hearing on the objection. The Board shall make such rulings based on the evidence presented as it deems appropriate and consistent with this chapter and with the provisions of MGL c. 49, including but not limited to the provisions of §§ 14 and 15 of said chapter.

§ 278-8. Other objections; discretionary hearing.

If objections to the owner's application are made based on reasons other than a disputed boundary line, the Board of Fence Viewers, in its discretion, may, but shall not be required to, hold a hearing as set forth in § 278-7 and, if so, shall use the same procedures and shall have the same powers. Alternatively, the Board may make such determinations as it deems appropriate based on the owner's application, any written objections filed by abutting owners, any rebuttal filed by the owner and any other relevant information before the Board, including but not limited to the results of any site view of the proposed boundary fence location undertaken by the Board.

§ 278-9. Survey plan.

In addition to the rights of the Board of Fence Viewers under MGL c. 49, § 14 relative to the employment

of a surveyor by the Board, in the event that the evidence presented to the Board is deemed by the Board to be insufficient to establish by a preponderance of the evidence either the precise location of the disputed boundary or that the proposed location of the boundary fence will not cause any portion of the fence to encroach over the property line into the objecting abutting owner's property, the Board of Fence Viewers may deny the boundary fence permit pending receipt by the Board of a survey plan prepared by a Massachusetts registered land surveyor certifying the location of the boundary line and pending a further reasonable opportunity for the objecting abutting owner (if the survey is provided by the owner installing the fence) or the owner installing the fence (if the survey is provided by the objecting abutting owner) to review the survey and the surveyor's certification and either agree or raise further written objection. The Board, in its discretion, may provide a reasonable time for further objection and rebuttal and may hold a further hearing as it deems appropriate. After considering such additional evidence, if the Board is still unable to make a determination that the proposed location of the boundary fence will not result in any portion of the fence encroaching over the property line, the Board may deny the permit and order that no fence be installed in the proposed location until a final judicial determination as to the location of the property line is made and such judicial determination conclusively establishes that the proposed location of the boundary fence will not result in any portion of the fence encroaching into the abutting owner's property.

§ 278-10. Boundary fences installed without permit.

If the owner has already installed a boundary fence or is in the process of installing it and an abutting owner files a written objection with the Board of Fence Viewers, the Board shall forward a copy of the objection to the owner together with an order to cease and desist pending further order of the Board and an order to comply with the application for boundary fence permit procedures set forth above to the extent applicable in light of any abutting owner objection already having been filed. In the event that the Board determines that the boundary fence, or any portion constructed up to that point, encroaches over the property line, the Board shall issue an order to the owner to either move or remove the fence. Upon failure of the owner to comply with any such order of the Board within a reasonable time as set forth in the Board's order, the remedies provided under §§ 278-11 and 278-12 of this chapter as well as MGL c. 49, §§ 14 and 15 shall apply.

§ 278-11. Violations and penalties.

- A. Fines. In addition to any other remedies provided by MGL c. 49 or any other laws or ordinances, violations of this chapter shall carry a penalty of \$50 for each violation. Each day a violation continues shall be deemed to be a new violation and any fine imposed shall apply to each such violation.
- B. Penalty for frivolous or malicious action. In addition, the Board of Fence Viewers or any other enforcing authority may impose a fine or penalty of \$300 on any party involved in a boundary fence dispute if the party has taken any action which, in the opinion of the Board of Fence Viewers or other enforcing authority, was taken in bad faith (i.e., lacking a reasonable basis in fact or law) or with malicious intent toward an opposing party (i.e., pursuing an objection or an argument as a mere pretext to hinder, delay or impede the other party's lawful right to erect or contest the erection of a boundary fence). In addition, the Board of Fence Viewers or other enforcing authority may order the offending party to pay some or all of the opposing party's costs, expenses, legal fees and survey costs. If the party assessed a fine or penalty fails to pay the same and judicial enforcement becomes necessary, the assessed party shall be liable to the City for its costs, expenses and attorney fees incurred enforcing the fines or penalties and costs.⁴¹

- C. Forced removal of fence in violation. In addition to and not in limitation of the foregoing, the Board of Fence Viewers or other enforcing authority shall have the authority to order the removal of any fence or fence-like structure which violates any provision of this chapter or any other ordinance, bylaw, regulation or statute and to set a reasonable time for such removal, such authority to include the authority to order removal of encroachments of fences or fence-like structures from lands, ways or easements owned, maintained or controlled by the Town of Amesbury or from any other public ways in accordance with MGL c. 86, §§ 3 and 5. In addition to any other fines or penalties imposed pursuant to this chapter or any other provisions of law, upon the failure of any owner to remove a fence or fence-like structure within the time set by the Board of Fence Viewers or other enforcing authority, the Board or other enforcing authority may undertake the removal of the fence or fence-like structure in conjunction with the Police Department and/or the Department of Public Works, and the owner shall be liable to the City for all costs associated with such removal, including labor, materials and costs associated with the use of machines or vehicles.
- D. Joint and several liability of fencing businesses. Any person or entity in the business of constructing or erecting fences who constructs or participates in constructing a boundary fence in violation of this chapter and who knew or reasonably should have known of this chapter and its applicability to the fence in question shall be jointly and severally liable with the owner for any fines imposed under Subsection A or for any costs assessed the owner under Subsection C.

§ 278-12. Enforcement.

- A. The officials responsible for the enforcement of this chapter shall be pursuant to Chapter 1, Article I of this Code and MGL c. 40, § 21D, noncriminal disposition:
- (1) The Amesbury Police Department.
 - (2) The Amesbury Board of Fence Viewers.
 - (3) The Amesbury Building Commissioner's office.
- B. Each of the above shall be authorized either collectively or in their individual capacity to issue citations, hearing notices and violations of these provisions.

§ 278-13. Installation near right-of-way or intersection; maintenance of boundary fences.

- A. No fence shall be installed or maintained so as to encroach into or hinder the use of a public way or any private right-of-way or easement, nor shall any fence be installed or maintained at the intersection of two roads so as to prevent or impede a safe view of the intersection or oncoming pedestrians or vehicles approaching the intersection. The Board of Fence Viewers shall have the authority to decide upon the height and type of fencing at road intersections in order to ensure safety and proper view of pedestrians and traffic.
- B. A boundary fence shall be maintained by the owner thereof in a reasonably safe condition. In the event that the Board of Fence Viewers deems a fence to be in an unsafe condition so as to pose a danger of falling or otherwise causing injury to people, animals or property because of poor construction, faulty maintenance or age, the Board may order such fence removed and shall have all the authority and remedies provided in § 278-11C of this chapter.

§ 278-14. Forms and regulations.

The Board of Fence Viewers shall have the authority to promulgate forms and regulations in furtherance of the powers and authority granted by MGL c. 49 and this chapter; provided, however, that such regulations are presented to and approved by the Municipal Council at a regularly scheduled meeting and thereafter duly filed with the City Clerk.

AMESBURY CODE

Chapter 285

FIRE PREVENTION

[HISTORY: Adopted by the City of Amesbury as Art. 12 of the 1990 Bylaws. Amendments noted where applicable.]

§ 285-1. Inspections. [Amended 7-13-2010 by Bill No. 2010-057]

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, but not less than once a year in outlying districts and twice a year in the closely built portions of the City, all buildings, except private dwellings, premises, and public thoroughfares for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the City affecting the fire hazard. Whenever any officer or member shall find in any building or upon premises or other place, except private dwellings, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any other highly flammable materials especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupants of such premises or buildings, subject to appeal within 24 hours to the Mayor, who shall within 10 days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

- A. Any owner or occupant failing to comply with such order within 10 days after said appeal shall have been determined, or, if no appeal is taken, then within 10 days after the service of said order, shall be liable to a penalty as hereinafter stated.
- B. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. When it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with said person a true copy of said order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

§ 285-2. Violations and penalties.

Any person or persons, firm or corporation violating any of the provisions of this chapter or any of its sections shall, upon conviction, forfeit and pay a fine of \$20 for each offense and \$20 for every day thereafter so long as said violation exists.

§ 285-3. Oily waste or rags.

- A. No person shall keep or permit to be kept on the premises any oily waste or oily rags, unless at all times when not actually in use such oily waste and oily rags are kept in a metal can with self-closing cover and riveted joints standing on metal legs which raise the bottom of the container at least five inches above the floor.
- B. All owners or occupants of buildings, except private dwellings, are required to permit the Chief of the Fire Department to inspect their buildings to see if the above is complied with, and it is hereby made the duty of the Fire Department to make or cause to be made such inspection whenever and wherever it may suspect a violation of Subsection A.
- C. Any person found guilty of violation of Subsections A and B shall be fined \$20 for each offense, each 24 hours of maintenance of prohibited conditions to constitute a separate offense. **[Amended**

7-13-2010 by Bill No. 2010-057]**§ 285-4. Outdoor burning; fireworks and firecrackers.**

- A. It shall be unlawful for any person or persons to burn trash, lumber, leaves, straw, or any other combustible material in any street, alley or vacant lot, except by special permission of the Chief of the Fire Department, when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct as to time and weather, provided that the Chief of the Fire Department may issue a general permit, by publication, during certain seasons of the year, for the burning of leaves or other like material where conducted during daylight and with an adult in constant attendance.
- B. No person shall sell, set off, explode, or cause to explode any fireworks or firecrackers within the City except under such regulations as the Mayor or other person the Mayor may authorize may prescribe. **[Amended 7-13-2010 by Bill No. 2010-057]**
- C. Any person or persons found guilty of violation of Subsections A and B shall be fined \$20. **[Amended 7-13-2010 by Bill No. 2010-057]**

§ 285-5. Master box; fire detection system; sprinkler system.

- A. A radio master box shall be installed and connected to the municipal fire alarm radio receivers and system on any building that meets the following requirements: any building in which a sprinkler system is installed or any building in which a Type 1 fire detection system is installed; exception: Residential Group R-3 and R-4 structures. **[Amended 7-13-2010 by Bill No. 2010-057]**
 - (1) All radio master boxes installed in the Town of Amesbury shall be Underwriters' Laboratories, Inc., listed and approved to be received on the King Fisher receiver and approved by the Fire Chief. Radio master boxes shall be internally mounted next to the fire alarm panel. The installation shall meet the requirements and specifications listed in hard copy in the office of the Fire Chief.
 - (2) All radio master box locations must be approved prior to installation. During construction and before the acceptance test is approved the radio box must remain covered and listed as out of service. All keys associated with the radio master box are to be turned over to the Fire Chief after acceptance test.
 - (3) All equipment shall be made available for test and inspection when required by the Fire Department.
- B. A Type 1 fire detection system shall be installed and maintained in full operating condition in any structure that meets the following requirements: construction of a new structure classified as Group A assembly buildings, Group B business buildings, or any building of 4,000 square feet or more or renovation in which more than 25% of the structure is altered and the total area of the building is 4,000 square feet or greater; exception: Residential Group R-3 and R-4 structures.
- C. A sprinkler system shall be installed and maintained in full operating condition throughout the entire structure when it meets the following requirements: new structures 7,500 square feet or greater or when a building is altered or an addition is put on and the total area is 7,500 square feet or greater; exception: Residential Group R-3 and R-4 structures.
- D. If the sprinkler system is shut down for other than maintenance and testing, the property owner will

be required to maintain a two-man fire watch for the duration of time the system is out of service.
[Amended 7-13-2010 by Bill No. 2010-057]

§ 285-6. Fire alarm system malfunctions.

A. Fines.

- (1) The owner of a building shall be assessed a fine for fire alarm system malfunctions as follows:
 - (a) During a one-year period from January 1 to December 31, the first three responses to a system malfunction will be exempt. For the fourth response, the owner will be assessed a fine of \$50, for the fifth response the owner will be assessed a fine of \$75, for the sixth response the owner will be assessed a fine of \$100, for the seventh response the owner will be assessed a fine of \$150, and for the eighth and subsequent responses the owner will be assessed a fine of \$200.
 - (b) At the end of the one-year period, all previous alarm malfunctions will be deleted from the owner's record; each record will indicate zero malfunctions.
- (2) A burn-in period of 30 days from the final inspection will be granted, during which time no fines will be assessed.
- (3) The owner will not be assessed a fine for a malicious false alarm, but a criminal complaint will be brought against the initiator of the alarm.

B. Definitions: As used in this section, the following terms shall have the meanings indicated:

NEEDLESS ALARM — Any alarm initiated by other than smoke, heat or vapor.

SYSTEM MALFUNCTION — The failure of the alarm system to operate in the normal or usual manner due to improper installation or maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Amesbury Fire Department via municipal fire alarm circuits, digital communicator, central station, or telephone.

C. Any person(s) working in a building performing service that causes a needless alarm will be assessed a fine of \$50 for each such alarm. All fines will be exempt if the Fire Department has been notified prior to the work starting.

**§ 285-7. Truss construction identification of residential, commercial and industrial buildings.
[Added 9-16-2014 by Bill No. 2014-097]**

A. Introduction. This section provides that residential, commercial and industrial buildings that utilize truss-type construction shall be marked by an emblem that informs persons conducting fire control and other emergency operations of the existence of truss construction.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

RESIDENTIAL, COMMERCIAL AND INDUSTRIAL BUILDINGS AND STRUCTURES — Those buildings and structures classified as such by the Amesbury Building Inspector using the classification system found in 780 CMR (the Massachusetts State Building Code) or its successors.

TRUSS CONSTRUCTION — A fabricated structure of wood, steel or combination thereof, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own. Truss-type construction

shall not include:

- (1) Individual wind or seismic bracing components which form triangles when diagonally connected to the main structure system.

C. Enforcement.

- (1) The Fire Chief or his or her designee shall be responsible for ensuring the proper placement of emblems on buildings or structures covered by this section. The Amesbury Building Inspector shall only release certificates of occupancy to those new structures found to be in compliance with the requirements of this section.
- (2) All multifamily residential buildings and all commercial and industrial businesses in operation at the time this section is ratified shall be required to have an emblem or emblems placed in the locations identified by the Fire Chief within six months of the passage of this section. All existing one- and two-family dwellings shall allow for the placement of this identifying emblem when undergoing additions or alterations or when such construction type is identified.
- (3) Any person who fails to permit the posting of a structure as set forth in this section, or who removes or willingly obstructs from view the fire official's designated posting, shall be punished by a fine not exceeding \$50 for each offense. Every day that a violation continues after its abatement has been ordered by the City and sufficient time has elapsed to permit abatement shall constitute a new offense.
- (4) The emblems will be made available by the Amesbury Fire Department at a cost to the building owner/manager.

- D. Emblems. The shape of the emblem shall be square, measuring nine inches by nine inches, engineered grade aluminum. The emblem background shall be reflective white in color. The Maltese cross and contents shall be reflective red in color.

- E. Truss designations. The following letters shall be printed on the emblem identifying the existence of truss construction using the alphabetic designation for the structural components that are of truss construction, as follows:

"F" shall mean floor framing, including girders and beams.

"R" shall mean roof framing.

"FR" shall mean floor and roof framing.

F. Emblem locations.

- (1) Emblems identifying the existence of truss construction shall be permanently affixed in the locations directed and in a manner approved by the Fire Chief.
- (2) Table No. 1 will be used as an emblem location guide for fire officials. Every effort is to be made as to not interfere with advertising or graphic designs located on the doors, windows or face of the buildings covered by this section.

Table No. 1
Truss Identification Sign Locations
For one- and two-family dwellings:

The emblem shall be affixed to the electrical meter socket. If the electric meter is located inside the dwelling, the emblem shall be affixed to the natural gas meter if so equipped. If neither location is available, additional locations shall follow the guidelines established for multi-unit apartment buildings and commercial and industrial buildings.

Multi-unit apartment buildings, commercial and industrial buildings:

Exterior building entrance doors, exterior exit discharge doors, and exterior roof access doors to a stairway, attached to all main means of egress at the door or sidelight, or directly on the street side of the building.

Fire Department hose connections:

Attached to the face of the building, not more than 12 inches (305 mm) horizontally from the center line of the Fire Department hose connection, and not less than 42 inches (1,067 mm) nor more than 60 inches (1,524 mm) above the adjoining walking surface.

§ 285-8. Fire safety inspection/permit fees. [Added 5-10-2022 by Bill No. 2022-041; amended 9-24-2024 by Bill No. 2024-112]

- A. Fire safety inspection/permit fees are enacted as follows. (Note: Fee will double for any work started without proper permit.)

Permit, Inspection, or Review of:	Fee	Duration
Copies of Fire Department reports	\$10	Per copy
Annual agricultural/religious open burning	\$25	Per address (must follow MA burning regulations, to include daily approval — subject to inspection)
Annual residential open burning	\$25	Per address (Only for January 15 — May 1. Must follow MA burning regulations, to include daily approval — subject to inspection)
Single family heat, smoke and carbon monoxide detectors:	\$50	Per certificate (additional charge of \$25 for each pre-inspection, failure of inspection or no show of appointment)

Permit, Inspection, or Review of:	Fee	Duration
Multi-unit residential heat, smoke and carbon monoxide detector:	\$50	Per unit, per certificate (additional charge of \$25 per unit for each pre-inspection, failure of inspection or no show of appointment)
Fire alarm installation	\$130	Per permit (requires plan review and inspection — may require detail)
Fire alarm alteration	\$50	Per permit (requires inspection — may require detail)
Fire suppression alteration	\$50	Per day of shut down. (Requires inspection — may require detail)
Fire suppression installation	\$130	Per system (requires plan review and inspection)
Oil burner installation or alternation	\$50	For each permit (requires inspection)
Oil tank installation or removal	\$50	For each permit (requires inspection)
Food truck	\$50	Only if permit from another MA municipality not obtained — additional permit required for propane if not secured on vehicle
Annual commercial above ground flammable gas storage	\$50	Per location
Annual commercial underground flammable gas storage	\$50	Per location
Installation of above ground flammable storage tanks	\$50	Per tank (requires inspection)
Installation or removal of underground flammable gas storage tanks (excludes gasoline or diesel)	\$50	Per tank (requires inspection)
Installation or removal of underground gasoline or diesel storage tanks	\$200	Per tank (requires inspection)
Annual gunpowder storage >50lbs.	\$50	Per location
Tar kettle operation	\$50	Per permit
Salamanders and propane heaters	\$50	Per permit
Install vent-less gas fireplace	\$50	Per location (requires inspection - properly installed CO detector required for use)

Permit, Inspection, or Review of:	Fee	Duration
Hot works	\$50	Per location (maximum 10 days — requires detail)
Blasting	\$50	Per location (maximum 14 days — requires detail)
Fireworks display	\$50	Per each day of display (Requires detail)
Review of any plans, prints and specifications for construction projects	\$210	Per project
21E review	\$50	Per project
M.G.L. required inspections	\$50	Per inspection (maximum \$200 annually)
MA Dept. of Public Health required inspections	\$50	Per inspection (maximum \$200 annually)
Miscellaneous, unknown, or other not listed above	\$50	Per permit issued

B. These fees are effective September 24, 2024.

HUNTING

Chapter 303

HUNTING

[HISTORY: Adopted by the Town of Amesbury as Art. 27 of the 1990 Bylaws. Amendments noted where applicable.]

§ 303-1. Restrictions on public property.

No hunting shall be allowed on any public parks, school grounds, City forest, public beaches, cemeteries, Lake Gardner, or any other property governed by the rules and regulations of the Town of Amesbury.

§ 303-2. Restrictions on private property.⁴²

There shall be no shooting of arms on private property within 500 feet of a dwelling except as authorized by the owner or occupant thereof.

§ 303-3. Violations and penalties.⁴³

Any person found guilty of violating the provisions of this chapter shall be punished as provided in § 1-2 of this Code.

42. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

AMESBURY CODE

Chapter 317

JUNK COLLECTORS AND DEALERS

[HISTORY: Adopted by the Town of Amesbury as Arts. 13 and 14 of the 1990 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 285.

Vendors, hawkers and peddlers — See Ch. 445.

Solid waste — See Ch. 392.

§ 317-1. Junk collectors.

The Municipal Council may:⁴⁴

- A. License suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals, and secondhand articles from place to place in the City, and no person shall engage in the business without such license.
- B. Require all such collectors and their employees or agents to display badges upon their persons or vehicles, or both, when engaged in said business and may prescribe the design thereof.
- C. Require that any place, vehicle, or receptacle used for the collecting or keeping of said articles be examined at any time by said Municipal Council or its agent.

§ 317-2. Junk dealers.

The Municipal Council shall license suitable persons to be dealers in and keepers of shops for the purchase, sale and barter of junk, old metal and secondhand articles, and no person shall be a dealer in or keeper of such shop without such a license.

§ 317-3. Storage of material.

No person or persons shall use any building, enclosure or other structure for the storage, sale or keeping of rags, wastepaper stock, or other inflammable material without a written license therefor from the Municipal Council.

§ 317-4. Receiving articles from minors.

No person or persons licensed under this chapter shall directly or indirectly purchase or receive any of said articles from a minor or apprentice, knowing or having reason to believe them to be such.

44. Editor's Note: Throughout this chapter, references to the Selectmen were amended to refer to the Municipal Council at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

LAKES, RIVERS AND PONDS

Chapter 326

LAKES, RIVERS AND PONDS

[HISTORY: Adopted by the Town of Amesbury as Art. 36 of the 1990 Bylaws; amended 5-14-2002 by Bill No. 2002-025. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Wetlands protection — See Ch. 460.

§ 326-1. Use of cutting devices.

The use of gas-powered augers, chain saws or similar cutting devices on Lake Attitash, Lake Gardner, the Powow River, the Back River and pond ice is prohibited except between the hours of 9:00 a.m. and 4:00 p.m.

§ 326-2. Use of motorized vehicles and personal watercraft.

- A. The use of trucks, campers, trailers, automobiles, ski mobiles, or other motorized vehicles on Lake Attitash, Lake Gardner, the Powow River, the Back River and pond ice is prohibited.
- B. The operation of jet skis, surf skis, wet bikes, or other so-called personal watercraft in or upon that portion of Lake Attitash, Lake Gardner, the nontidal sections of the Powow River, the Back River and ponds over which the Town of Amesbury has jurisdiction is prohibited.⁴⁵

§ 326-3. Vessel identification and certification.

- A. Number. All motorboats shall be identified as required by CMR 323.2.03 as follows: the first part of the number shall be an abbreviation in capital letters of the Commonwealth of Massachusetts "MS." The remainder of the boat number shall consist of not more than four Arabic numerals and not more than two capital letters, in sequence, separated by a hyphen or equivalent. Since the letters "I," "O" and "Q" may be mistaken for Arabic numerals, all letter sequences using "I," "O" and "Q" shall be omitted. The bow number shall be spaced: MS 9999 ZZ. Objectionable words formed by the use of two or three letters may not be used.
- B. Motorboats owned by a dealer or manufacturer and which are being used for purposes other than testing or demonstrating shall have permanent numbers.
- C. Decal. In addition to displaying the identification number of a vessel as required by MGL c. 90B, § 3, the owner of a vessel shall display at the end of such number the then current registration decal of the Division of Law Enforcement on port (left) of the vessel within six inches of the final identification number or letter, as the case may be. For example, MS 9999 ZZ [], with the [] being the decal.

§ 326-4. Certificate to be carried.

Motorboat operators shall always carry the certificate on the motorboat when in use.

§ 326-5. Equipment.

- A. Motorboats shall be provided with the following: anchor, line, bailer, and paddle.
- B. Motorboats shall be provided with lighting, signaling and fire-extinguishing and -control devices as defined below.
 - (1) Motorboats subject to the provisions of this Subsection B shall be divided into four classes as follows:

45. Editor's Note: Original § 36.3, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (a) Class A: less than 16 feet in length.
 - (b) Class 1: 16 feet or over and less than 26 feet in length.
 - (c) Class 2: 26 feet or over and less than 40 feet in length.
 - (d) Class 3: 40 feet or over.
- (2) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.
- (a) Every motorboat of Classes A and 1 shall carry the following lights:
 - [1] First. A bright white light aft to show all around the horizon.
 - [2] Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.
 - (b) Every motorboat of Classes 2 and 3 shall carry the following lights:
 - [1] First. A bright light in the fore part of the vessel as near the stern as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, namely, from right ahead to two points abaft the beam on each side.
 - [2] Second. A bright white light aft to show all around the horizon and higher than the white light forward.
 - [3] Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw light from right ahead to two points abaft the beam on the port side. Said lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.
 - (c) Motorboats of Classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by Subsection B(2)(a) of this section. Motorboats of Classes 2 and 3, when so propelled, shall carry the colored lights, suitably screened, but not the white lights prescribed by Subsection B(2)(b) of this section. A motorboat of Class A, 1, 2 or 3 of Subsection B(1) of this section when propelled by sail alone, if not otherwise required or authorized by this section to carry one or more lights visible from aft, shall carry at her stern a white light so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, so fixed as to show the light six points from right aft on each side of the vessel. Such light shall be carried as nearly as practicable on the same level as the side lights. In a small motorboat propelled by sail alone, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

- (d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
- (e) When propelled by sail and machinery, every motorboat shall carry the lights required by this section for a motorboat propelled by machinery alone.
- (3) Every motorboat of Class 1, 2 or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.
- (4) Every motorboat of Class 2 or 3 shall be provided with an efficient bell.
- (5) Lifesaving devices.
 - (a) Every vessel shall carry one Coast Guard approved personal flotation device (PFD) for each person on board, in good and serviceable condition in a readily accessible location.
 - (b) Every motorboat shall carry at least one personal flotation device (PFD) for each person aboard as additionally defined below:
 - [1] Every Class A motorboat shall carry at least one personal flotation device of Type I, Type II, or Type III for each person on board.
 - [2] Every motorboat of Class 1, 2, and 3 shall carry at least one personal flotation device of Type I, II or III for each person aboard, plus one Type IV as a throwable device.
 - (c) Such devices shall be clearly labeled or imprinted as such and placed so as to be readily accessible in the motorboat and maintained in good and serviceable condition and appropriate size for whom it is intended. Devices designed to be thrown, such as a ring buoy or buoyant cushion, shall be readily available on the motorboat. Devices which use kapok or fibrous glass for flotation material shall have such material encased in plastic covers. Every motorboat carrying passengers for hire shall carry at least one Coast Guard approved life preserver or Type I personal flotation device for each person on board so placed as to be readily accessible for use.
- (6) Every motorboat shall be provided with such number (as specified in this subsection), size and type of fire extinguisher capable of promptly and effectually extinguishing gasoline, as may be prescribed by the regulations of the Director of the Division of Law Enforcement, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Fire extinguishers shall be provided as follows:⁴⁶

46. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**Minimum Number of B-1 Hand Portable Fire Extinguishers
Required***

Class of Motorboat	Length (feet)	No Fixed Fire Extinguishing System in Machinery Space	Fixed Fire Extinguishing System in Machinery Space
A	Under 16	0	0
1	16 and over, but under 26	1	0
2	26 and over, but under 40	2	1
3	40 and over	3	2

Fire Extinguisher Classification

Classification Type-Size	Foam (gallons)	Carbon Dioxide (pounds)	Dry Chemicals (pounds)
B-1	1 1/4	4	4
B-2	2 1/2	15	12

Note:

*

One B-2 hand portable fire extinguisher may be substituted for two B-1 hand portable fire extinguishers.

§ 326-6. Operation.

- A. All motorboats must be operated in such a manner and at such a distance to prevent their wash from being thrown into or causing excessive rocking to other vessels, rafts, or floats.
- B. Water-skiers shall ski at a safe distance to prevent their wash from being thrown into or causing excessive rocking to other vessels, rafts, or floats.
- C. Motorboats shall not be operated:
 - (1) Within 150 feet of shoreline which is being used as a swimming area, whether public or private; or
 - (2) Within 75 feet of the seaward boundary of a public bathing beach, if designated by markers, floats or otherwise.
- D. No person shall operate a motorboat, or any other vessel as defined by MGL c. 90B, § 1, as amended, in the waters of the Town of Amesbury in such a manner so that the life and/or safety of any person may be endangered, nor shall any motorboat or vessel be so operated in waters of the Town of Amesbury in such a manner which would endanger any person or any property by the wake or wash of said motorboat or vessel.⁴⁷

- E. This section shall apply to motorboats, barges, water-skiers, or other devices being towed by power, and the operator of the towing vessel shall be responsible for compliance therewith.

§ 326-7. Guardrails.

A person operating a motorboat underway shall not permit anyone to ride or sit on the gunwales or on the decking of a bow, unless the motorboat is equipped with adequate guardrails to prevent persons from falling overboard. This provision shall not apply so as to prevent persons aboard a motorboat from standing on the decking over the bow in order to secure the motorboat to a mooring buoy or cast off from a buoy or for another necessary purpose.

§ 326-8. Headway speed.

- A. A motorboat shall not be operated at more than headway speed:
- (1) When the operator's vision is obscured under a bridge or by bends or curves or in any other manner.
 - (2) When the motorboat is operated within 150 feet of a marina, boat launching facility, raft or float.
 - (3) When the motorboat is operated within 300 feet of a public bathing beach unless operating in an area designated for waterskiing.
 - (4) When the motorboat is in a channel, unless a duly authorized local, state or federal marine enforcement agency has permitted otherwise and placed markers in the channel indicating the permitted speed.
 - (5) When the motorboat is operated within 150 feet of a swimmer.
- B. Headway speed is the slowest speed at which a motorboat may be operated and maintain steerage way, but not to exceed six miles per hour except in the case of jet ski watercraft, surf jet watercraft, wet bike watercraft and so-called personal watercraft which may need to operate at a speed in excess of six miles per hour to maintain steerage way.

§ 326-9. Aids to navigation.

Vessels shall not be moored to aids to navigation. No person shall willfully destroy, move, injure, deface, or remove any aid to navigation established or placed by any governmental entity.

§ 326-10. Discharge.

The discharge of raw sewage, garbage, rubbish or debris on or into the waters of the Town of Amesbury is prohibited.

§ 326-11. Overloading.

No vessel may be operated in an overloaded condition. "Overloaded condition" means that the number of persons on board and/or the cargo being carried exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water and weather conditions.

§ 326-12. Jet ski watercraft; personal watercraft.

- A. Any person aboard a jet ski watercraft, surf jet watercraft, wet bike watercraft or other so-called personal watercraft shall wear at all times a Coast Guard approved personal flotation device of Type I, II, or III.
- B. No person shall tow a water-skier or a person in any other manner from a jet ski watercraft, surf jet watercraft, wet bike watercraft or any so-called personal watercraft.
- C. No person shall operate a jet ski watercraft, surf jet watercraft, wet bike watercraft or any so-called personal watercraft during the nighttime.

§ 326-13. Waterskiing.

- A. Any person waterskiing or being towed in any manner shall wear a Coast Guard approved personal flotation device of Type I, II or III, except persons engaged in slalom skiing on a marked course or persons engaged in barefoot, jump or trick skiing who may elect to wear, in lieu of a Coast Guard approved personal flotation device and at their own risk, a wet suit designed specifically for such activity, provided that:
 - (1) The device must be marketed by the manufacturer as a water ski wet suit.
 - (2) The device must be constructed of nylon-covered Neoprene or similar material and have either long or short arms and legs.
 - (3) The device must be equipped with additional flotation/padding material of a closed cell nonabsorptive type such as a PVC foam or Ensolite. This flotation/padding must be sewn into the device according to the following:
 - (a) On the front extending from the clavicle to the top of the pelvis vertically and covering the front rib cage and covering as much of the side area as feasible. The maximum gap between padded areas on the side of the suit under the arm is four inches;
 - (b) On the rear of the device padding/flotation material must cover the area from the top of the shoulder blade to the top of the pelvis and span the entire width of the back; and
 - (c) Padding/flotation shall be at least 1/2 inch thick. This thickness excludes any covering material thickness.
 - (4) A Coast Guard approved personal flotation device Type I, II, or III must be carried in the tow boat for each skier electing to wear a water ski wet suit.
- B. No person shall use any water skis, surfboard or similar device on the waters of the City negligently so as to endanger the lives or safety of the public or use any water skis, surfboard or similar device thereon in the nighttime.
- C. No person shall operate any motorboat on the waters of the commonwealth towing a person or persons on water skis, a surfboard or other similar device, unless there is in such motorboat a person who has attained age 12 in addition to the operator in a position to observe the person or persons being towed and unless such motorboat is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water.

§ 326-14. Canoeing or kayaking.

Any person aboard a canoe or kayak between January 1 and May 15 and between September 15 and December 31 shall wear at all times a Coast Guard approved personal flotation device of Type I, II, or III except persons aboard vessels excluded by MGL c. 90B, § 5A.

§ 326-15. Speed limit.

No motorboat shall be operated at any time on the waters of Lake Attitash, Lake Gardner, the Powow River, the Back River, the Merrimack River and ponds over which the Town of Amesbury has jurisdiction at a speed greater than is reasonable and proper, having regard for the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards. Speed by a motorboat in excess of 45 miles per hour shall be presumed to be in excess of a reasonable and proper speed.

§ 326-16. Personal flotation devices for children.

Any person under 12 years of age aboard any vessel on the waters of the commonwealth shall wear at all times a Coast Guard approved personal flotation device of Type I, II or III.

§ 326-17. Safety certificate for minors.

- A. Operation. On every motorboat being operated by a person under the age of 16 years old there shall be a safety certificate issued in the name of such operator. A safety certificate shall be issued to any person under 16 years of age who satisfactorily completes a training course in safe motorboat operation conducted by the United States Coast Guard Auxiliary, the United States Power Squadron (Squadron), the Division of Law Enforcement, a boating safety agency of any state of the United States of America, or such other entity approved in writing by the Director.
- B. Minimum age. No person shall operate a personal watercraft if such person is:
 - (1) Under the age of 16.
 - (2) Sixteen or 17 years of age without first having received a safety certificate evidencing satisfactory completion of a training course in safe operation conducted by the United States Coast Guard Auxiliary, the United States Power Squadron, the Division of Law Enforcement, or such other entity approved in writing by the Director of the Division of Law Enforcement.

§ 326-18. Personal watercraft.

- A. Evening operation. No person shall operate a personal watercraft between the hours of sunset and sunrise or when vision is unduly restricted by the weather.
- B. Safe operation. No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances, so as not to endanger the life, limb or property of any person.
- C. Negligent operation. No person shall operate a personal watercraft in a negligent manner. The following are prohibited as examples of negligent operation:
 - (1) Unreasonably jumping, or attempting to jump, the wake of another vessel;
 - (2) Following within 150 feet of a water-skier;

- (3) Weaving through congested vessel traffic;
 - (4) Speeding in restricted areas;
 - (5) Crossing unreasonably close to another vessel;
 - (6) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person;
 - (7) Towing a water-skier, any person, or any device in any manner from a personal watercraft; and
 - (8) Operating a personal watercraft during the evening, as defined by Subsection A.
- D. Proximity. No person shall operate a personal watercraft:
- (1) Within 150 feet of shore or a moored vessel except at headway speed;
 - (2) Within 150 feet of a public bathing area;
 - (3) Between 150 and 300 feet of a public bathing area except at headway speed; or
 - (4) Within 150 feet of a swimmer in the water.
- E. Automatic cutoff. Every person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach said lanyard to his person, clothing, or personal flotation device as is appropriate for the specific craft.

§ 326-19. Violations and penalties.

- A. The enforcement of this chapter shall be under the jurisdiction of the Harbormaster and his assistants and members of the Amesbury Police Department.
- B. Violation of this chapter shall result in a fine as provided in § 1-2 of this Code. Each day a violation of any section of this chapter continues shall constitute a separate offense.⁴⁸

48. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

LICENSES AND PERMITS

Chapter 334

LICENSES AND PERMITS

**[HISTORY: Adopted by the Town of Amesbury 5-10-1993 by Art. 17 (Art. 42 of the 1990 Bylaws).
Amendments noted where applicable.]**

§ 334-1. List of delinquent taxpayers.

The Collector of Taxes shall annually furnish to each department, board, commission or division of the City, herein referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charge for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending application before the Appellate Tax Board.

§ 334-2. Denial, revocation or suspension of license or permit. [Amended 6-13-2000 by Bill No. 2000-108⁴⁹]

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Collector of Taxes or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Collector of Taxes; provided, however, that written notice is given to the party and the Collector of Taxes as required by applicable provisions of law and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Collector of Taxes shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any finding made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any 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 the license authority receives a certificate issued by the Collector of Taxes 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.

§ 334-3. Payment agreements.

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 the suspension or revocation of said license or permit; provided, however, that the holder shall be given notice and a hearing as required by applicable sections of law.

§ 334-4. Waiver.⁵⁰

The Municipal Council 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 MGL c. 268A, § 1, relating to conflict or interest in the business or activity conducted in or on said property.

§ 334-5. Exceptions.

This chapter shall not apply to the following licenses and permits: open burning permits, bicycle permits,

49. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

50. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

sale of articles for charitable purposes, children at work permits, dog licenses, fishing licenses, hunting licenses, trapping licenses, marriage licenses and public exhibition permits.

§ 334-6. Treasurer/Collector fees. [Added 5-23-2023 by Bill No. 2023-038; amended 9-26-2023 by Bill No. 2023-084]

Type	Fees	Description of Services
Municipal lien certificates	\$50	A municipal lien certificate (MLC) is a listing of all taxes, assessments and charges that are due and payable and constitute liens on a parcel of real estate at the time the MLC is issued. Massachusetts General Law c. 60, §§ 23, 23A and 23B. It is generally requested when a property is being sold or the mortgage refinanced.
Motor vehicle excise demand fee	\$15	A motor vehicle excise demand fee is a second notice tax bill issued after the bill is still outstanding after the due date of 30 days. The earliest that the collector may send a demand is two days after the excise due date.
Motor vehicle excise warrant fee	\$10	A motor vehicle excise warrant fee is a third notice tax bill issued after the demand bill is still outstanding after the due date of 14 days. The collector issues a warrant to collect the excise to a deputy collector, assistant collector, or other officer, which lets the officer collect the excise directly.
Personal property demand fee	\$15	A personal property demand fee is the second notice tax bill issued if the bill is still outstanding after the May 1, fourth quarter due date. Usually issued 14 days after May 1.

Type	Fees	Description of Services
Real estate demand fee	\$15	A real estate demand fee is the second notice tax bill issued if the bill is still outstanding after the May 1, fourth quarter due date. Usually issued 14 days after May 1.
Duplicate bill fee	\$1	A duplicate bill fee is a fee the mortgage companies pay when sending payment without a tax bill. It covers the cost for staff to research the bill and print it to go with the payment.
Returned checks fee	\$10	A returned check fee is a financial penalty charged when a check for payment is returned by the payee's bank unpaid, typically for insufficient funds.
Sale/taking posting notice fee	\$5	A sale/taking posting notice fee is the fee to prepare the tax lien notice to post in two public places.
Sale/taking preparing advertisement fee	\$10	A sale/taking preparing advertisement fee is the fee to prepare the tax lien advertisement for the newspaper.
Sale/taking preparing deed/instrument of taking fee	\$10	A sale/taking preparing deed/instrument of taking fee is the fee to prepare the instrument of taking to record at the Registry of Deeds.
Boat excise demand fee	\$20	A boat excise demand fee is a fee for boat excise tax bills that are still outstanding after their due date of 60 days.

§ 334-7. Adult use marijuana establishments. [Added 12-10-2024 by Bill No. 2024-032]

In accordance with the Amesbury Zoning Ordinance, Section X1.01.2,4.01.1(d) [also referred to as Section 11.01.2,4.01.2(d)], the Chief Executive Officer of the City of Amesbury or the City's "licensing authority" shall limit the number of adult use marijuana retail establishments, as defined in G.L. c. 94G, § 1 and 935 CMR 500.00, permitted to be located within the City of Amesbury, to not exceed 30% of the number of licenses allowed within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold under G.L. c. 138, § 15. For the purpose of determining this number, any fraction shall be rounded up to the next highest whole number.

AMESBURY CODE

Chapter 350

MARIJUANA

**[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I
Public Consumption
[Adopted 10-24-2023 by Bill No. 2023-029]

§ 350-1. Prohibition.

No person shall smoke cannabis (also known as marijuana) or delta-9-tetrahydrocannabinol (THC), as defined in Chapter 94C, Section 1 of the General Laws, while on, in or upon any public way or upon any way to which the public has a right of access, or any shared public use space, including, but not limited to, parks and or playgrounds, streets, sidewalks, footways, passageways, stairs, bridges, recreation areas, boat landings, public buildings, schoolhouses, school grounds, cemeteries, parking lots, or any area owned by or under the control of the City of Amesbury.

§ 350-2. Enforcement.

This article may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D by the Amesbury City Council, or its duly authorized agents, or any police officer. Any violation of this article shall be punishable by a fine of \$100 for the first offense and \$200 for each subsequent violation. Any penalty imposed pursuant to this article shall be in addition to any civil penalty imposed in accordance M.G.L. c. 94C, § 32L.

§ 350-3. Exception.

This article shall not be construed to limit the medical use of marijuana.

§ 350-4. Right to appeal.

Any person upon whom is imposed a fine pursuant to this article in accordance with M.G.L. c. 40, § 21D shall have the right to appeal the imposition of such fine in a non-criminal proceeding by making a written request within 21 days to the Clerk Magistrate for the Newburyport District Court as set forth further in the statute.

§ 350-5. Jurisdiction.

This article shall not alter or affect the jurisdiction of the Board of Health in accordance with the provisions of M.G.L. c. 111, § 31 or any other applicable law including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the City of Amesbury.

PEACE AND GOOD ORDER

Chapter 360

PEACE AND GOOD ORDER

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

GENERAL REFERENCES

AMESBURY CODE

Animals — See Ch. 204.

Hunting — See Ch. 303.

Junk collectors and dealers — See Ch. 317.

Signs and billboards — See Ch. 381.

Solid waste — See Ch. 392.

Vehicles and traffic — See Ch. 439.

Vendors, hawkers and peddlers — See Ch. 445.

ARTICLE I

General Regulations

[Adopted as Art. 9 of the 1990 Bylaws; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 360-1. Disposal of garbage and refuse; littering.

- A. Litter and refuse. Whoever shall, without a license from the Board of Health, throw into or leave in or upon any street, court, square, lane, alley, public square, public closure, private property, pond or body of water, or vacant lot where it would be offensive or injurious to public health, within the limits of the City, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, wastewater, rubbish, or filth or debris of any kind, or any refuse, animal or vegetable matter whatsoever, shall be punished by a fine of \$200. Every day the violation continues shall constitute a separate and new offense.
- B. Negligent disposal of garbage and refuse.
 - (1) Statement of policy. The citizens of the Town of Amesbury desire a clean and healthy environment, free of debris, waste and garbage on their streets and property. As such, the citizens must impose the responsibility for waste disposal on the individuals that generate it in order to ensure that these individuals will act to correctly dispose of such waste, debris and materials.
 - (2) Penalty. Any person who negligently disposes of trash, bottles, cans, refuse, rubbish, garbage, debris, scrap waste or any other material of any kind (hereinafter "litter"), such that it is deposited on a public way, or a way to which the public has a right of access as licensees or invitees, on public property, or within 20 yards of such way or property, shall be punished by a fine of \$300. Each offense shall constitute a separate and new violation. A person may be fined even where he/she did not directly deposit, place, throw, discharge or cause to be thrown, deposited, or discharged such litter but is responsible for such litter being so disposed by the fact that such person negligently failed to provide for its proper disposal. Evidence of the responsible party shall be presumptively established where such litter contains the name and address of the person or serial numbers on materials so disposed, such as mail or other items.
- C. Littering with potentially dangerous objects. No person shall throw or cause to be thrown or place upon a public sidewalk, street or highway of the City any nails, spikes, screws, tin cans, or other similar debris. Violations shall be punished by a fine of \$200.

§ 360-2. Scavenging garbage and recyclable materials.

- A. Garbage rummaging. It shall be unlawful for an individual, excepting a law enforcement official during the course of police duties, to pick through the garbage of any resident after such time as the resident shall have deposited the material in a can or other container on or near a public way for pickup. Any person violating this subsection shall be subject to a fine of \$100 per incident.
- B. Scavenging recyclables.
 - (1) Definition. "Recyclables" means materials in the waste stream that can be remanufactured into useful products, including but not limited to aluminum beverage containers, steel and bimetal cans, newspapers, magazines, corrugated paper or other container board, office paper, plastic and glass containers.

(2) Ownership of recyclables and scavenging prohibition.

- (a) Residential recyclables, upon placement at the curb, shall become the property of the Town of Amesbury on those routes regularly serviced by the City or its authorized contractors.
 - (b) It shall be unlawful for any person, unless under contract with or licensed by the City, to collect or remove any recyclables that have been deposited or placed at the curb for recycling.
- (3) If, as prohibited in Subsection B(2) hereof, any person not under contract with or licensed by the Town of Amesbury collects or removes any recyclables that have been deposited or placed at the curb for recycling, such person shall be subject to a fine of \$200.

§ 360-3. Handbills, signs, notices and other advertising devices.

- A. Distributing handbills. No person shall distribute or cause to be distributed any handbill, circular, program or advertising slip on any sidewalk or public way in the Town of Amesbury or place the same inside any vehicle on a public way. Handbills, circulars, programs, and advertising slips may be placed within the doors of stores, offices, businesses, and houses, upon motor vehicles, and at the doors of residences. Whoever violates this subsection shall be punished by a fine of \$100.
- B. Posting signs. No person shall establish or maintain over any sidewalk, street or highway any sign, signboard, or advertising device without a permit, and no person shall affix a sign or device to any tree, tree guard, post, board or other object within the limits of such sidewalk, street or highway without obtaining a permit, and such permit may be revoked at any time. Any person who violates this subsection shall be punished by a fine of \$100.
- C. Sidewalks and streets. No person shall write, paint, print, or inscribe any notice, advertisement, word, figure, or picture on any of the public sidewalks or streets of the Town of Amesbury without a permit. Any person who violates this subsection shall be punished by a fine of \$200.⁵¹

§ 360-4. Destruction or removal of political signs.

No person, except the specific property owner or his authorized agent, shall remove from private property or maliciously destroy a political sign. Any person violating this section shall be subject to a fine of \$200 for each act of malicious destruction or prohibited removal constituting a separate and new breach.

§ 360-5. Coasting or sliding on public ways.

No person shall coast or slide down hills upon any sled, board, or other vehicle on any street, sidewalk or public way of the City, except upon streets or portions thereof designated for the purpose. Whoever violates this section shall be punished by a fine of \$100.

§ 360-6. Throwing missiles or playing games in streets.

No person shall throw stones, snowballs, or other dangerous objects or play baseball, football, or any other athletic games upon any public way in the City. Whoever violates this section shall be subject to a fine of \$100.

51. Editor's Note: See also Art. II, Graffiti, of this chapter.

§ 360-7. Obstruction of sidewalks.

- A. Definitions. The terms used in this section shall have the following meanings unless the context clearly indicates that a different meaning is intended:

BLOCK — To interfere with unobstructed travel by any means, including but not limited to standing on the part of the sidewalk that is fit for travel or placing an object or vehicle on such walk.

SIDEWALK — Any sidewalk owned or maintained by the Town of Amesbury. The term shall not include private property such as shopping centers, apartment complexes, office building sites, or any other private property.

- B. Blocking sidewalks prohibited. No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. Any person who does so shall be subject to a fine of \$100.
- C. Free speech. This section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

§ 360-8. Firearms and fireworks.

No person shall fire or discharge any gun, fowling piece, pistol, or fireworks within any street, public way, or place to which the public has a right of access as invitees or licensees. This section does not apply to any firing at any military exercise or review or any firing permitted by the Municipal Council. Any person who discharges any of the above-described weapons without the express approval of the Municipal Council shall be punished by a fine of \$200.

§ 360-9. Public bathing or swimming.

No person shall bathe or swim in any public or exposed place in City without wearing proper covering for the body. Violations shall be subject to a fine of \$200.

§ 360-10. Indecent and profane language.

No person shall use indecent or profane language to the annoyance of any person upon any way or place to which the public has the right of access or upon any way or in any place to which members of the public have access as invitees or licensees. Nothing herein shall be interpreted to impair a person's right to free speech. Whoever violates this section shall be punished by a fine of \$100. Each incident of indecent or profane language may constitute a violation of this section and therefore be subject to a fine of \$100.

§ 360-11. Solicitation.⁵²

- A. No person shall go from house to house within the City for soliciting the sale of any commercial article or product, soliciting contracts or orders to purchase any commercial article or product or the primary purpose of soliciting funds or contributions, whether such solicitations are for payment by cash, check or credit or made on behalf of such person or any other person, business, cause or

52. Editor's Note: See also Ch. 445, Vendors, Hawkers and Peddlers.

organization, unless such person shall first register with the Chief of Police or his designee.

- B. Such person shall register in person with the Chief of Police or his designee by providing the following: his or her name, residential address, date of birth, social security number, driver's license number and vehicle registrations on all vehicles being used, a picture identification issued by a governmental agency or authority and, if such person is acting on behalf of a business, cause or organization, the street address of the principal place of business or principal business thereof, the name of a principal officer of such business, cause or organization and a daytime phone number therefor.
- C. Upon providing such information, the Chief of Police shall register such person unless the Chief of Police determines that there is probable cause to believe that such person poses a threat to the safety and/or welfare of persons or property within the City. The Chief of Police may limit the hours within which the permitted solicitations may occur.
- D. Any person who neglects or refuses to register pursuant to this section or makes a false or fraudulent representation on his registration or violates any other provision of this section shall be subject to a fine of \$300 for each day of said violation.

§ 360-12. Peeping or spying.

No person shall enter upon the premises of another for the purpose of looking, peering or peeping into or loitering around or within view of a window of the residence of another with the intent of invading one's privacy or spying upon any person or persons residing therein. This section shall not be construed to abridge or in any way limit the right of a police officer to enter upon private property to perform any act necessary in the performance of his official duties. Violations of this section shall be punished with a fine of \$200 for each and every offense.

§ 360-13. Hitchhiking.

It shall be unlawful for any person to stand on a public way for the purpose of soliciting a ride from the operator of any motor vehicle. Whoever violates any provision of this section, unless otherwise provided by law or ordinance, shall be punished by a fine of \$100 for each offense.

§ 360-14. Failure to stop for red traffic signal.

Whoever upon any way in the Town of Amesbury willfully operates a vehicle past a traffic light when the light shows a red signal against traffic shall be punished by a fine of \$100.

ARTICLE II

Graffiti

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 360-15. Prohibited acts.

Whoever sprays or applies paint or places a sticker upon a building, wall, fence, sign, tablet, real or personal property, or on a public way or public building, commonly known as "tagging," or marks, scratches, etches, or otherwise injures, mars or defaces such property with the intent to so do shall be punished by a fine of \$300 per offense.

§ 360-16. Removal of graffiti from public and private property.

A. Declaration of nuisance. It is hereby declared that graffiti, upon public and private property, is a nuisance which endangers the public health, safety, morals and welfare of the citizens of Amesbury. Graffiti contributes to the creation of substandard, decadent and blighted neighborhoods; to the spread of crime and juvenile delinquency; to the reduction of property values; to the arrest of economic growth; and to the overall decline in the quality of life within the Town of Amesbury. Left uncontrolled, graffiti encourages additional graffiti and constitutes an economic and social liability for the Town of Amesbury and its citizens.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

GRAFFITI — Any letters, words, writings, numbers, symbols, logos, drawings, paintings, carvings, etchings, inscriptions or other markings, not required or approved of by law, affixed to any real property or improvements thereto, either privately or publicly held, which destroy, damage, deface, disfigure, alter, mark or mar the property in any manner or to any degree.

OWNER — Every person, alone or severally with others, who:

- (1) Has legal title to any building or parcel of land, vacant or otherwise;
- (2) Has care, charge or control of any building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate or the holder of legal title;
- (3) Is a mortgagee in possession of any such property; or
- (4) Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

REAL PROPERTY — Land and whatever is attached to its surface, including but not limited to buildings, bridges, poles, fences, trestles, playground equipment, fire hydrants, gravestones, tablets, trees, rocks, or any other object, natural or man-made.

C. Property owner responsible for the removal of graffiti.

- (1) The prompt removal of graffiti shall be the responsibility of the owner as defined herein, whether public or private, following the discovery or notice thereof.
- (2) In the case of privately owned property, the owner shall be required to remove or cause graffiti to be removed within 10 days following receipt of written notice from the Board of Health, or its authorized agent, served upon the owner or the owner's authorized agent. The notice shall be in writing and shall contain an order to remove the graffiti, hereinafter sometimes called an

"order of notice." The notice shall also contain the following information:

- (a) The location of the property.
- (b) A concise description of the graffiti conditions.
- (c) A statement that the graffiti must be removed within 10 days after receipt of notice.
- (d) A statement that if the graffiti is not removed within the 10 days, the property will be subject to the removal, cost and penalty provisions.
- (e) Notification of an owner's right to a hearing.

D. Request and procedure for hearing.

- (1) The owner or owner's authorized agent on whom an order of notice has been served pursuant to this section may request a hearing before the Board of Health by filing with the Board of Health, within seven days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than 30 days after the day on which the order was served. The Board of Health, upon application of the petitioner, may postpone the date of hearing for a reasonable time beyond such thirty-day period if, in the judgment of the Board of Health, the petitioner has submitted a good and sufficient reason for such postponement.
- (2) At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.
- (3) After the hearing, the Board of Health shall sustain, modify, or withdraw the order and shall inform the petitioner, in writing, of its decision. If the Board of Health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.
- (4) Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Clerk of the City or in the Board of Health office.

E. Judicial appeal. Any owner aggrieved by the final decision of the Board of Health with respect to an order of notice issued under the provisions of this section may seek relief therefrom in any court of competent jurisdiction, as provided by the General Laws of the Commonwealth of Massachusetts.

F. Failure to remove graffiti from privately owned property.

- (1) If an owner, as defined herein, has not requested a hearing within seven days after receiving notice and fails or refuses to remove graffiti within the period provided, the Town of Amesbury may enter upon the property and remove the graffiti.
- (2) If an owner, as defined herein, has been ordered to remove graffiti following a hearing on the matter and fails or refuses to remove the graffiti within 10 days following the hearing, the City may enter upon the property and remove the graffiti.

G. Other relevant laws. Nothing herein shall prevent the Town of Amesbury from enforcing other applicable sections of this Code or applicable sections of the Massachusetts General Laws, including but not limited to MGL c. 266, § 126.

H. Cost of removal.

- (1) If the owner, or the owner's authorized agent, fails to comply with an order and the Town of Amesbury removes or causes such graffiti to be removed, the removal cost(s), pursuant to MGL c. 111, § 125, shall constitute a debt due the City and shall be recoverable from such owner in an action of contract.
- (2) Furthermore, pursuant to MGL c. 111, § 125, any such debt, together with interest thereon at the rate of 6% from the date such debt becomes due, shall constitute a lien on land upon which the graffiti was located if a statement of claim, signed by the Regional Health Director and the Treasurer/Collector, setting forth the amount claimed, without interest, is filed, within 90 days after the debt becomes due, with the Register of Deeds for Essex County.
- (3) Such lien shall take effect upon the filing of the statement aforesaid and shall continue for two years from the first day of October next following the date of such filing. If the debt for which such a lien is in effect remains unpaid when the Board of Assessors is preparing a real estate tax list, the Regional Health Director or the Treasurer/Collector shall certify such debt to the Board of Assessors, which shall forthwith add such debt to the tax on the property to which it relates and commit it with the Board's warrant to the Treasurer/Collector as part of such tax. If the property to which such debt relates is tax exempt, such debt shall be subject to the provisions of law relative to interest on the taxes of which it becomes, or if the property were not tax exempt would become, a part, and the Treasurer/Collector shall have the same powers and be subject to the same duties with respect to such debts as in the case of annual taxes upon real estate, and the provisions of law relative to the collection of such annual redemption of land so sold or taken shall, except as otherwise provided, apply to such claims. A lien under this section may be discharged by filing with the Register of Deeds for Essex County a certificate from the Treasurer/Collector that the debt constituting the lien, together with any interest and costs thereon, has been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

I. Penalties. Any person who violates any provision of this section shall be subject to a fine of \$300 for each offense. Each day's failure to comply with an order shall constitute a separate violation.

ARTICLE III
Alcoholic Beverages⁵³
[Adopted as Art. 47 of the 1990 Bylaws]

§ 360-17. Public consumption of alcoholic beverages; open containers.⁵⁴

No person shall use or consume an alcoholic beverage, as defined by MGL c. 138, § 1, as amended, or possess an open container of such beverage, including any person in a motor vehicle, while such person is in or upon any public way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land, building, structure, sidewalk, beach, or any public building owned or under the control of the Town of Amesbury; provided, however, that notwithstanding any ordinance to the contrary, the Municipal Council or designee may authorize any organization using a public building or grounds, with its permission, to possess and sell alcoholic beverages therein or thereon, provided that such organization or person is properly licensed under the provisions of MGL c. 138, § 14 or other applicable provision. All alcoholic beverages being used in violation of this section shall be seized and held in evidence at the Amesbury Police Department until final adjudication of the case, upon which they will be destroyed. Whoever violates the provisions of this section shall be subject to a fine of \$200.

§ 360-18. Sale of malt beverages to underage persons.⁵⁵

It shall be unlawful for any person, business, corporation or partnership to sell or cause to be sold to any person under the age of 21 nonalcoholic beer or any malt beverage with any alcoholic content, however much reduced. Whoever violates this section shall be subject to a fine of \$100.

§ 360-19. Nudity on premises where alcoholic beverages are offered for sale.

- A. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the Town of Amesbury at which alcoholic beverages are consumed or offered for sale for consumption on the premises to suffer or permit:
- (1) Any female person, while on the premises of the commercial establishment, to expose to the public view that area of the female breast at or below the areola thereof.
 - (2) Any female person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the female breast as described in Subsection A(1) above.
 - (3) Any person, while on the premises of the commercial establishment, to expose to the public view his or her genitals, pubic area, anus, anal cleavage or anal cleft.
 - (4) Any person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, anus, anal cleavage, or anal cleft.
- B. It shall be unlawful for any female person, while on the premises of a commercial establishment located within the Town of Amesbury at which alcoholic beverages are consumed or are offered for

53. Editor's Note: Chapter 209 of the Acts of 2008, authorizing two additional licenses for the sale of alcoholic beverages to be drunk on the premises, is included in Ch. A505, Special Acts.

54. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

55. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

sale for consumption on the premises, to expose to the public view that area of the female breast at or below the areola thereof or to employ any device or covering which is intended to give the appearance of or simulate portions of the female breast as described herein.

- C. It shall be unlawful for any person, while on the premises of a commercial establishment located within the Town of Amesbury at which alcoholic beverages are consumed or are offered for sale for consumption on the premises, to expose to the public view his or her genitals, pubic area, anal cleavage, or anal cleft.
- D. A violation of this section by the owner or operator of business licensed to sell alcoholic beverages shall be punishable by a fine of \$500 for the first offense and/or the suspension or revocation of said liquor license. Any subsequent violation within three years after a conviction for the same or similar violation shall be punishable by a fine of \$1,000 and/or the suspension or revocation of said liquor license.⁵⁶
- E. A violation of this section by a person other than an owner or operator of the licensed premises shall be punishable by a fine of \$500 for the first offense and by a fine of \$1,000 for any subsequent offense and/or the suspension or revocation of said liquor license.⁵⁷

56. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

57. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE IV
Adult Entertainment
[Adopted as Art. 48 of the 1990 Bylaws]

§ 360-20. Nudity at establishment granted adult entertainment license.⁵⁸

No person or entity who or which owns, operates or maintains an establishment which is granted an adult entertainment license by the Town of Amesbury shall suffer or permit:

- A. Any female person who dances, entertains or performs in an establishment which is granted an adult entertainment license by the Town of Amesbury to perform without a so-called "G" string and pasties. The pasties shall be of such design that they fully cover in a nontranslucent manner the nipple and areola. The "G" string shall be worn to fully cover the pubic area and anus. Any owner or operator or person or entity who or which maintains said licensed establishment who or which violates the provisions of this subsection shall be fined as a first offense \$500. Any subsequent violation within three years after a conviction for the same or similar violation shall be punishable by a fine of \$1,000 and/or the suspension or revocation of said adult entertainment license.
- B. No female person who dances, entertains or performs in an establishment which is granted an adult entertainment license by the Town of Amesbury shall be permitted to perform without a so-called "G" string and pasties. The pasties shall be of such design that they full cover in a nontranslucent manner the nipple and areola. The "G" string shall be worn to fully cover the pubic area and anus. Any performer who violates the provisions of this subsection shall be fined as a first offense \$500 and \$1,000 for any subsequent violation within three years after a conviction for the same or similar violation. Each performance shall be performed with the necessary garments and each performance where the performer, entertainer or dancer fails to perform with the necessary garments shall constitute a separate offense.

58. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

AMESBURY CODE

Chapter 376

RENTAL PROPERTY

**[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I
Short-Term Rental Licensing
[Adopted 10-12-2021 by Bill No. 2021-093]

§ 376-1. Acceptance of provisions.

The Amesbury City Council does hereby accept all provisions, criteria, and language as specified in this Short-Term Rental License Article for the annual licensure of short-term rentals in the City of Amesbury.

§ 376-2. License required.

If a homeowner owner intends to use their residential property as a short-term rental in the City of Amesbury, whether it is offered for rent through a professional or third-party agency or by themselves directly, they must first apply for and obtain a license from the City of Amesbury and the property must meet and maintain the requirements set forth in this Short-Term Rental License Article and its related Short-Term Rental Bylaw⁵⁹ and remain in compliance with all applicable laws, rules, and regulations governing short-term rentals in the City of Amesbury and State of Massachusetts including those specified for short-term rentals in MGL c. 64G.

§ 376-3. Licensing process.

The provisions of this Short-Term Rental License Article to establish a licensing process for short-term rentals of dwellings in the City of Amesbury are as follows:

A. Short-term rental licensing.

- (1) All properties being considered for short-term rental licensure must meet the qualifying regulations specified in the Short-Term Rental Bylaw.
- (2) Licensed properties are subject to an annual licensing application fee, payable by the property owner to the City of Amesbury. The fee price is subject to the same approval process as other business licensing fees in the City of Amesbury.
- (3) All short-term rental agreements that the property owner engages in must be reported to the City of Amesbury for the purpose of Board of Health records and local and state excise tax purposes.

B. Process. The annual licensing process is as follows:

- (1) No property owner shall offer or use a dwelling as a short-term rental without submitting an annual license application, paying the annual license fee, and receiving notice (in writing) that the annual short-term rental license has been approved by the licensing board (or their designated staff member or department).
- (2) A license for operation of said short-term rental shall be valid for one year from the date that a license is issued.
- (3) As part of the application for a short-term rental license, the property owner shall also certify under penalty of perjury that he/she is aware of all applicable laws, rules and regulations and will abide by and comply with all the requirements of the license, and any applicable laws, ordinances, rules and regulations, including without limitation this article and the City's Zoning

59. Editor's Note: The Short-Term Rental Bylaw is on file in the City offices.

Bylaw.

- (4) A property owner who obtains a license to use his/her dwelling as a short-term rental shall be issued a registration number by the licensing board. The registration number shall be recorded with the license application in the City's Short-Term Rental Registry. Note: The registration number may match or otherwise be associated with the short-term rental registration number that the homeowner has secured through the MA Department of Revenue (DOR) when they register or registered with that entity, as is required under MGL c. 64G.
 - (5) The licensing board shall make each addition to the Short-Term Rental Registry available electronically via the City of Amesbury website within 30 days of such addition.
 - (6) Each potential short-term rental shall receive a health and safety inspection by the Amesbury Inspectional Services Department and Amesbury Board of Health. If the short-term rental is a bedroom in a dwelling, the entire dwelling needs to pass the health and safety inspection.
 - (7) A separate short-term rental license shall be required for each short-term rental. If a property includes more than one short-term rental (i.e., individual bedrooms), each short-term rental shall be required to be licensed individually.
 - (8) No short-term rental license shall be granted without the applicant signing an agreement that they have read this article as well as the related Short-Term Rental Bylaw.
- C. Application components. Each short-term rental license application shall include all the following information, none of which may be waived by the licensing board:
- (1) Name of property owner applicant (also known as "homeowner").
 - (2) Evidence that the applicant is the property owner of record or in the case of a trust or entity, that the applicant is authorized to act for that trust or entity in applying for that license.
 - (3) Address of the dwelling, including any appropriate unit numbers or letters.
 - (4) Contact information for the property owner and his/her designee (if applicable) that can be contacted in case of emergency.
 - (5) Evidence that the dwelling is the property owner's primary residence.
 - (6) Registered Massachusetts Department of Revenue (DOR) identification number for the short-term rental.
 - (7) Survey and/or plot plan that indicates:
 - (a) Existing structure(s) at the property.
 - (b) Location of proposed short-term rental.
 - (c) Location of on-street and off-street parking area(s).
 - (8) Interior layout plan(s), highlighting:
 - (a) The bedroom(s) proposed for use by short-term rental guests, the property owner, and any other person in the dwelling.
 - (b) Fire and carbon monoxide detection for the short-term rental, including, but not limited to,

the location of all smoke and carbon monoxide detectors, the location of all fire extinguishers, and any other information deemed necessary by the compliance officer and/or Fire Prevention Officer to establish compliance with applicable building and/or fire safety codes.

- (9) A copy of the property's liability insurance policy.
- (10) A copy of the health and safety inspection report.
- (11) Proof that there are no outstanding fines, local taxes, fees, assessments, betterments or other municipal charges owed to the City regarding the property.

§ 376-4. Application fee.

A licensing fee of \$200 per short-term rental shall be due with each annual application.

§ 376-5. Annual registration renewal.

Each short-term rental must be relicensed/reregistered by the property owner annually prior to its license and registration expiration date. An application for a license renewal shall include all information required to be provided with an original application for a license.

§ 376-6. Required communications to guests.

The property owner shall provide each guest with a community information card that provides contact information for the Amesbury Police and Fire Department, the general noise policy of the community, the allowed parking parameters for the property, the location of smoke and carbon monoxide detectors, and information about trash and recycling disposal and pickup.

§ 376-7. Noise and nuisance considerations.

While Amesbury does not currently have a codified general noise ordinance, a common rule of thumb on quiet hours is between 10:00 p.m. and 7:00 a.m.

- A. Noise or nuisance issues that constitute license violations may subject the property owner to license revocation.
- B. In addition to the parking requirements of this article, the use of the short-term rental shall be in compliance with the Amesbury Traffic and Parking Regulations, which are available on the Amesbury Traffic and transportation Committee webpage at <https://www.amesburyma.gov/traffic-transportation-committee>.
- C. For short-term rentals that violate any applicable laws, ordinances, rules or regulations, revocation and/or nonrenewal of license is possible. See § 376-8, Violations and penalties; actions for noncompliance, for information.

§ 376-8. Violations and penalties; actions for noncompliance.

- A. Complaints shall be made to the Inspectional Services Department, and investigation shall commence within 30 days. Violations may, at the compliance officer's discretion, result in a warning or the maximum appropriate fine. Three or more complaints within a six-month period will result in the dwelling or bedrooms in the dwelling no longer being eligible to that property owner for use as a

short-term rental for a period of six months following the most recent violation.

B. Violations may include but are not limited to:

- (1) Offering an ineligible dwelling or bedroom for lease.
- (2) Violation of any applicable law, ordinance, rule, or regulation.
- (3) Failure to observe the limitation of days per year.
- (4) Failure to include required parking information.
- (5) Violation of parking requirements.
- (6) Noise complaints.
- (7) Trash complaints.
- (8) Failure to furnish a community information card to guests or furnishing one without the required minimum information.
- (9) Failure to remit any required excise tax or surcharge as required by law.
- (10) Failure to pay property taxes or surcharges on the property.

C. Property owners who are found to be out of compliance with the requirements of this licensing article and/or its related Short-Term Rental Bylaw by the enforcement agent or their designee are subject to fines and penalties, including immediate revocation of their short-term rental license, and one or more of the following:

- (1) A fine of \$250 per day for each individual day that is out of compliance to be levied by the City of Amesbury against the property owner.
- (2) Immediate revocation of the property owner's short-term rental license by the enforcement agent (Inspectional Services Department as warranted).

D. Should the short-term rental license be revoked, the property may not be in any way used as a short-term rental until a new license is applied for and granted by the licensing board. No such license shall be granted so long as the property is in violation of any requirement of this article or any applicable law, ordinance, rule, or regulation.

§ 376-9. Outstanding violations prohibit issuance of license.

For a dwelling to be offered as a short-term rental it shall not be subject to any outstanding municipal liens; building, sanitary, zoning, or fire code notices of violation; orders of abatement; enforcement orders; stop-work orders; or be in violation of any other, laws, ordinances, rules or regulations applicable to the property. If a notice of violation or other order is duly issued after the dwelling has been listed in the City's Short-Term Rental Registry database, the licensing board or its designee, shall suspend the license of the short-term rental until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. For ease of enforcement, any City officer or department issuing said notice of violation or other order shall notify the licensing board or their designee in writing of the nature of the violation and its resolution, if any, within five business days of such issuance and/or resolution.

§ 376-10. Compliance with other laws required.

Property owners who obtain a short-term rental license shall comply with all applicable federal, state and local laws, ordinances, rules and regulations, including, but not limited to, the Fair Housing Act, state and local equivalents and regulations related to fire codes, health codes, zoning ordinances, and all other regulations applicable to dwellings, including MGL c. 64G.

§ 376-11. Retention of records required.

The property owner shall retain and make available to the licensing board, or its designee, upon written request, records to demonstrate compliance with all provisions of this short-term rental article, including but not limited to: documentation of the number of days that property owner has resided during the past year and/or will reside in the dwelling in the year of registration; legal instruments evidencing that the property owner is the record owner of the dwelling offered as a short-term rental; and documentation of the number of days during the year of registration that the dwelling was offered and actually used as a short-term rental. The property owner shall retain such records for a period of three years from expiration of the annual license to which they relate.

ARTICLE II
Means-Tested Senior Citizens' Rental Assistance
[Adopted 10-19-2021 by Bill No. 2021-107]

§ 376-12. Rental assistance credit available.

With respect to each qualifying resident of a parcel of real property classified as class one, residential in the City of Amesbury there shall be a rental assistance credit available to qualifying residents in an amount to be based on the circuit income tax credit under MGL c. 62, § 6(k), as adjusted annually by the Department of Revenue.

§ 376-13. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

PARCEL — A unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit.

§ 376-14. Criteria for qualification.

Applicants shall qualify for the rental assistance under § 376-12 if all the following criteria are met:

- A. The applicant is domiciled as a primary residence in a qualifying property in Amesbury;
- B. The applicant or at least one of the joint applicants has been domiciled in a rental residence as a home in the City of Amesbury for at least five consecutive years preceding the filing of an application for the rental assistance credit;
- C. The applicant is a person who qualified and received the circuit breaker income tax credit the previous year under MGL c. 62, § 6(k);
- D. The applicant is at least age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older; and
- E. The Office of Community and Economic Development or designee(s) of the Mayor have approved the application.

§ 376-15. Setting of credit amount; funding.

- A. The Amesbury Housing Trust shall annually set the maximum rental credit amount provided for in § 376-12, provided that the amount of the credit shall not exceed a 150% match, and not less than a 50% match, of the amount of the circuit breaker income tax credit under MGL c. 62, § 6, Credits [subsections (k)(1) through (k)(9), inclusive] for which the applicant received in the previous year.
- B. The Amesbury Housing Trust shall annually set the maximum aggregate appropriation for this program from its own funds. The rental assistance funded by this article shall be funded with funds under the care and control of the Amesbury Housing Trust. The total appropriation may be supplemented by funds from the general budget as determined by the Mayor with approval of the City Council. Funding may also be supplemented from grants and fundraising. Rental assistance shall be available from total appropriated funds on a first-come, first-serve basis.

§ 376-16. Application required.

A person who seeks to qualify for the rental assistance under § 376-12 shall, before the deadline established by the Office of Economic and Community Development, file an application, on a form to be adopted by the Office of Community and Economic Development, with the supporting documentation of the filed income tax return of the applicant showing the Circuit Breaker tax credit. The application shall be filed each year for which the applicant seeks the rental assistance.

SIGNS AND BILLBOARDS

Chapter 381

SIGNS AND BILLBOARDS

[HISTORY: Adopted by the Town of Amesbury as Art. 21 of the 1990 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills and other advertising devices — See Ch. 360.**Political signs — See Ch. 360.**

§ 381-1. Restrictions.

For the purpose of regulating billboards, signs, or advertising devices:

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device in the Town of Amesbury, except those exempted by Subsections B and C of this section:
- (1) Within 50 feet of any public way.
 - (2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.
 - (3) Nearer than 50 feet to any other such billboard, sign, or any other advertising device, unless such billboard, sign, or other advertising devices are placed back to back.
 - (4) On any location at the corner of any public way and within a radius of 150 feet from the point where the center lines of two such ways intersect.
 - (5) Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign, or other advertising device will exceed a length of eight feet or a height of four feet.
 - (6) Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device will exceed a length of 25 feet or a height of 12 feet.
 - (7) In any event, if such a billboard, sign, or advertising device will exceed a length of 50 feet or a height of 12 feet, except that the Planning Board may permit the erection of billboards, signs, or other advertising devices which do not exceed 40 feet in length and 50 feet in height if not nearer than 300 feet to the boundary line of any public way.
- B. No billboard, sign, or other advertising device shall be erected, displayed, or maintained in any block in which 1/2 of the buildings on both sides of the street are used exclusively for residential purposes. This provision shall not apply if written consent of the owners of a majority of the residential and vacant premises on both sides of the street in which such block is located is first obtained and is filed with the Planning Board together with the application for a permit for such billboard, sign, or other advertising device.⁶⁰
- C. Provided, however, that the foregoing provisions in Subsections A and B, both inclusive, shall not apply to districts which the Planning Board may determine are of a business character. This chapter does not apply to signs or other devices on or in the rolling stock, stations, subways, or structures of or used by common carriers, except on bridges or viaducts or abutments thereof, or to devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any parts thereof as for sale or to let, and which contain no other advertising matter, and provided further that this chapter shall not apply to billboards, signs, or other advertising devices legally maintained at the time of its approval by the Attorney General until one year from the first day of July following such approval.

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 381-2. Violations and penalties.⁶¹

Whoever violates any of the provisions of this chapter shall be punished by a fine of \$100, and whoever, after conviction of such violation, unlawfully maintains such billboard, sign, or other advertising device for 20 days thereafter shall be punished by a fine of \$500.

61. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

SOLID WASTE

Chapter 392

SOLID WASTE

[HISTORY: Adopted by the City of Amesbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

AMESBURY CODE

Junk collectors and dealers — See Ch. 317.

Scavenging garbage and recyclables — See Ch. 360.

Littering — See Ch. 360.

ARTICLE I
Collection
[Adopted as Art. 50 of the 1990 Bylaws; amended 11-13-2001]

§ 392-1. Containers.

Garbage placed for curbside collection by residences and food-related commercial establishments shall be stored in weathertight receptacles of metal or other durable rodentproof material. Additionally, containers of rubbish placed out for collection by food-related commercial establishments shall have a tight-fitting cover. Rubbish placed out for collection by non-food-related commercial establishments shall be contained or bundled in such a manner so as not to be easily spilled over or blown about by wind.

§ 392-2. Placement for collection. [Amended 11-9-2021 by Bill No. 2021-143]

In the central business district, garbage and rubbish shall be placed out for collection no earlier than 6:00 a.m. on the day of collection. Garbage and rubbish placed by residences for curbside collection in the central business district may be contained in standard residential trash bags. In accordance with the provisions of the State Sanitary Code at 105 CMR 410. 600: Storage of Garbage and Rubbish (A), garbage or mixed garbage and rubbish shall be stored in weathertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or durable, rodent-proof material. Garbage and rubbish shall be put out for curbside collection no earlier than 6:00 a.m. the morning of trash collection. In all other areas of Amesbury serviced by City trash collection, garbage and rubbish shall be placed out for collection no earlier than 7:00 p.m. on the evening prior to the day of collection. For the purpose of this article, the central business district shall be defined in accordance with Appendix C of the City of Amesbury Contract for the Collection and Disposal of Municipal Solid Waste dated August 30, 1993.

§ 392-3. Enforcement; violations and penalties.

Violations of this article shall be issued to the property owner. Enforcement shall be the responsibility of the Health Agent and/or any other individual or agency so designated for this purpose. Fines for violations shall be as follows:

- A. First offense: written warning.
- B. Second offense: fine of \$25.
- C. Third offense: fine of \$50.
- D. Fourth offense: criminal complaint.

ARTICLE II
Recycling
[Adopted 6-10-2014 by Bill No. 2014-067]

§ 392-4. Mandatory recycling.

- A. Purpose and declaration of Policy. This article has been created because of the great interest of the people of Amesbury in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible promulgated by the City of Amesbury Bylaw Article 32, Curbside Recycling Program, accepted at Town Meeting May 10, 1993, under Massachusetts General Laws Chapter 40, Section 8H, and Mass DEP under 310 CMR 19.017, Waste Disposal Ban Regulation, and a program for the mandatory separation of recyclable materials from refuse which shall apply to all buildings in the City of Amesbury and will be carried out under the supervision of the Department of Public Works.
- B. Establishment of program. There is an established program (May 1993) for the mandatory separation of certain recyclable materials from refuse which shall apply to all buildings in Amesbury and shall be carried out under the supervision of the Director of the Amesbury Department of Public Works (DPW).
- C. Mandatory separation of recyclable materials. It shall be mandatory for each owner or occupant in Amesbury to separate all designated recyclable materials from other refuse. These mandatory recycling requirements shall apply to all buildings without regard to whether the building's solid waste is collected by the City.
 - (1) Buildings which receive City solid waste collection services. It shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Director or his or her designee in rules and regulations issued under this section.
 - (2) Buildings which do not receive City solid waste collection services. It shall be mandatory for each owner or occupant of a building which does not receive City solid waste collection to separate all designated recyclable materials from other refuse in accordance with a recycling plan to be submitted to the Director or his or her designee, in accordance with Subsection E of this section.
- D. Collection of recyclable materials.
 - (1) Definition of a receptacle or container. A receptacle or container must be able to hold no less than 32 gallons and no more than 96 gallons of recyclable material. Each container must have an attached lid.
 - (2) Residential dwellings.
 - (a) As long as funds are available, the City will provide one household recycling receptacle to each dwelling unit in residential dwellings with six or fewer units that are not primarily used to house students and/or staff of nonprofit establishments. The City or hauling vendor shall retain ownership of all its household recycling receptacles, and the resident of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the City as long as the City's supplies last. After City supplies are depleted, it shall be the responsibility of the resident of each

dwelling unit to obtain a suitable replacement within 45 days. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Director shall be placed in the household recycling receptacles.

- (b) All recycling containers and receptacles shall be placed for collection on the outer edge of the sidewalk or driveway, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Director in rules and regulations to be issued under this section.
 - (c) Recyclables shall not be placed in plastic (garbage) bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the City or hauler may put a sticker on the noncompliant container, or the City may decide to send out a warning letter for the first offence or not to collect said rubbish.
 - (d) Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this subsection, such recyclables shall become the property of the City. It shall be a violation of this section if any person (scavenger), other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation of this subsection from one or more locations shall constitute a separate and distinct violation. In addition to the penalty provided in Chapter 360, Article I, § 360-3, of this chapter, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.
- (3) Commercial and nonprofit establishments. In commercial and nonprofit establishments, the materials designated for recycling in rules and regulations promulgated by the Director shall be placed in recycling receptacles provided by the owner or owners of such buildings. Owners of commercial establishments in the Central Business District (CBD) shall receive a City-owned recycling container for their use while in the CBD, which will be collected under the City's municipal collection contractor. The owner or owners of such other buildings shall be responsible for the costs of recyclables separation and collection. The owner or owners of such buildings shall submit recycling plans to the Director in accordance with Subsection E of this section.
- (4) The Director or his or her designee shall have the authority to require documentation from the City's recyclables collection contractors, and from any owner, lessee or tenant of a building which does not receive City recyclables collection services, that recyclables are being delivered to a broker or end market that causes the material to be recycled or composted rather than landfilled or incinerated.

E. Recycling plans.

- (1) All property owners of property whose recycling is not collected by the City are required to submit recycling plans every year to the Director or his or her designee upon request.
- (2) Contents of plan. Each recycling plan will cover the following items:
 - (a) Which recyclables will be put out for collection;
 - (b) Frequency of collection;
 - (c) Collection company's name, address, phone and fax number and owner's name;

- (d) Methods to be used for collection, including types of containers;
 - (e) Any other items which may be specified in rules and regulations promulgated by the Director under this section.
- (3) Format of plan. Plans shall be submitted in a format to be specified by the Director under this section.
 - (a) Plan format documents can be found on the City website at www.amesburyma.gov\DPW or at the Public Works office.
- F. Recyclable materials. The recyclable materials to be separated shall be designated by the Director in rules and regulations to be issued under this section. If the Director designates a material as recyclable, such designation shall govern the treatment of such material notwithstanding the provisions of any ordinance to the contrary.
- G. Receptacles — sidewalk placement time restrictions. Whoever receives municipal removal of recycling from private property shall cause the recycling to be placed in a recycling receptacle and to be set in an easily accessible place upon the sidewalk or driveway. The recycling receptacles shall be placed on the sidewalk no earlier than 5:00 p.m. of the day immediately prior to the day of collection, provided it has an attached lid and can close tightly, as designated by the Director of Public Works for collection for the area where the premises are located, and shall be removed from the sidewalk no later than 7:00 p.m. on the day of collection. The recycling receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians.
- H. Receptacles — screening from public view. The residents of the City of Amesbury desire a clean and healthy environment, free of debris, waste and garbage on their streets and property. Every owner or occupant of private property should maintain recycling receptacles outdoors on such private property, provided the receptacles are screened from the view of public streets and sidewalks.

§ 392-5. Private collectors - commercial and residential.

- A. Methods of storage, collection and disposal. The Director of Public Works or his or her designee shall have the right to specify the times and methods of storage, collection and disposal of recycling by any private collector.
- B. Commercial or nonprofit establishments or multifamily dwellings — frequency; recycling receptacle/dumpster specifications.
 - (1) All recycling awaiting private collection shall be in recycling receptacles which shall contain only recycling generated by owners or occupants of the private property where they are located and shall be enclosed, rodent-resistant, nonflammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property; provided, however, that dumpsters shall comply with the provisions of Subsection B below. All such recycling receptacles shall be kept on private property at all times and not on public streets or sidewalks. All such recycling receptacles in residentially zoned areas or within 20 feet of such an area shall be screened from view by being completely enclosed by a fence at least six feet in height.
 - (2) All recycling dumpsters shall be in new or good condition, free of damage caused by wear or misuse that would allow leaks or access by rodents. All dumpsters shall be covered and secured at all times except when being filled or emptied. Temporary private dumpsters shall be covered when not in use (including overnight) at a minimum with a tight-fitting tarp. All dumpsters shall

be deodorized and washed on a regular schedule. The Health Agent, or designee, may require more-frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Regional Director of the Board of Health or the Director of Public Works may require additional design/containment requirements utilizing best available technology.

§ 392-6. Enforcement; violations and penalties.

- A. Violations of this article shall be issued to the property owner. Enforcement shall be the responsibility of the Director of Public Works, the Health Agent and/or any other individual or agency so designated as enforcement agent(s) for this purpose.
- B. Fines and violations shall be as follows:
 - (1) Written warning by certified mail to the owner on record.
 - (2) Second offense: fine of \$100.
 - (3) Third offense: fine of \$250.
 - (4) Fourth offense: \$500 plus a criminal complaint.
- C. The penalty section becomes effective on January 1, 2015.

SPECIAL EVENTS

Chapter 396

SPECIAL EVENTS

[HISTORY: Adopted by the City Council of the City of Amesbury 6-9-2015 by Bill No. 2014-116. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 334.

Peace and good order — See Ch. 360.

§ 396-1. Title.

This chapter shall be referred to as the "Special Events Ordinance."

§ 396-2. Purpose.

- A. It is the purpose of the City Council to establish a comprehensive process for permitting special events conducted by the private sector using City streets, facilities or services and in some cases private facilities. It is recognized that these special events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services. However, since certain special events will have minor and major impacts on the community in general, and on the neighborhood of the venue in particular, a central purpose of this chapter is to reasonably regulate those situations where major impacts can reasonably be expected to occur.
- B. By recognizing the potential impacts of special events on venues, it is further intended to:
- (1) Provide a coordinated process for the regulation of certain activities conducted in conjunction with special events;
 - (2) Ensure the health and safety of patrons of special events;
 - (3) Prohibit illegal activity from occurring within a special event venue on private or public property;
 - (4) Protect the rights and interests granted a special event permit holder, while at the same time reasonably holding them accountable for justified responsibilities;
 - (5) Create a mechanism for cost recovery for special events without having an adverse effect on those special events that contribute to the community;
 - (6) Protect the rights of its citizens to engage in protected free speech expression activities, allowing the least-restrictive and reasonable time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services.

§ 396-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, livestock, or property of any kind.

EVENT ORGANIZER — Any person who conducts, manages, promotes, organizes, aids or solicits attendance at a commercial or noncommercial special event. The event organizer will be responsible for all details concerning the application, including fees, plans, and paperwork; in the event that the event organizer is not an individual but a host organization, such event organizers shall designate an individual person as being the responsible party for said event organizer.

FACILITY(IES) — Any City-owned or -operated property or property interest.

GOODS — Goods, wares, personal property, merchandise or any other similar items that are generally sold.

HIGHWAY — A way or place of any nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes streets.

HOST ORGANIZATION — The sponsoring organization that has overall authority of the special event venue.

PRIVATE PROPERTY — Any property other than that which the City owns or operates or has property interest in.

SERVICES — The use of City employee time required for safe operation of an event.

SPECIAL EVENT —

- A. Use of any City park, building, street or other facility or private property when an organized activity is conducted, to which the public is invited or admitted, with a common purpose and under the direction or control of a person, and any one or more of the following factors exist:
- (1) A fee is charged or money is collected;
 - (2) Alcohol and/or food will be sold;
 - (3) Temporary structures are constructed;
 - (4) A City facility will be closed to general use by the public or use by the general public will be denied in part or in whole;
 - (5) The location will be used beyond its normal capacity or typical range of uses;
 - (6) The proposed use is likely to infringe on other users' activities at that location;
 - (7) The activity on a street or other public place is impacted in a manner which disrupts the normal or usual traffic patterns, regulations or controls;
 - (8) The Mayor reasonably determines that the event will result in substantial impact on City resources, facilities or public safety services in response thereto.
- B. Examples of special events include, by way of illustration and without limitation, concerts, dances, assemblages, processions, parades, marching band reviews, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments, obstacle course races), spectator sports or other organized activity conducted for a common or collective use.
- C. Special events do not include normal City-sponsored programs or activities or regular sporting events or tournaments held inside a building or at a facility qualified as a "place of public assembly" and intended for that purpose.

SPECIAL EVENT PERMIT — A permit issued under this chapter.

SPECIAL EVENT VENUE — That area for which a special event permit has been issued.

STREET — A way or place of any nature, publicly maintained and open to use of the public for purposes of vehicular travel. "Street" includes highway, alley, and other public ways.

VENDOR — Any person who sells or offers to sell any goods, food, or beverages within a special event venue.

§ 396-4. Enforcement authority.

The Mayor is authorized to administer and enforce the provisions of this chapter. In doing so, the Mayor and/or his/her designee(s) may exercise any enforcement powers available to the City under all applicable state laws, City ordinances and other applicable laws and regulations.

§ 396-5. Delegation of Mayor's authority.

The Mayor may delegate any or all of his or her functions under this chapter to designated department heads and/or subordinates as the Mayor may reasonably determine. Whenever the term "Mayor" is used herein, the term shall include any designee of the Mayor as the Mayor may reasonably determine.

§ 396-6. Permit required.

- A. It is unlawful for any person to conduct, promote, manage, aid, or solicit attendance at a special event without first obtaining a special event permit from the Mayor or his/her designee.
- B. The Mayor is authorized to issue permits for special events occurring within the City limits of the City pursuant to this chapter. The Mayor is authorized to determine the special event venue. The Mayor shall set reasonable boundaries for the special event venue, balancing the special event requirements and public health, safety, and welfare. The Mayor is authorized to coordinate the issuance of a special event permit with other public agencies under whose jurisdiction or property the event or portion thereof occurs. The Mayor is authorized to grant exceptions and waivers as set forth immediately below and elsewhere in this chapter.

§ 396-7. Exceptions to permit requirement.

- A. The following activities are exempt from the special event permit requirement:
 - (1) Activities sponsored and conducted entirely by the City;
 - (2) Activities cosponsored by the City;
 - (3) Activities conducted pursuant to a City Council approved contract between the City and the event organizer;
 - (4) Activities conducted by a governmental agency acting within the scope of its authority;
 - (5) Activities conducted at private facilities which have a use permit that allows such activities;
 - (6) Funeral processions;
 - (7) Lawful picketing on sidewalks;
 - (8) Demonstrations of 100 people or more that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment, including sound equipment, provided that:
 - (a) No fee or donation is charged or required as a condition of participation in or attendance at such demonstration; and
 - (b) The Chief of Police is notified and a special event checklist is completed at least 72 hours in advance of the commencement of the demonstration;
 - (9) Demonstrations of fewer than 100 people and that comply with traffic and noise laws;

- (10) Spontaneous events for the purpose of expressive activity that occur in response to breaking news that has occurred less than 72 hours prior to the event; and
 - (11) Activities and events reasonably determined by the Mayor in writing (including e-mails) as not requiring a special event permit due to their minimal impact on the community.
- B. Although not required to get a special event permit, an event organizer of an activity exempted pursuant to Subsection A of this section is required to comply with general regulations governing public health and safety as applicable, including, without limitation, use permits for City property and parks and public safety details (fire, police, etc.).

§ 396-8. Issuance of permit does not obligate City services.

- A. Issuance of a special event permit pursuant to this chapter does not obligate or require the Mayor or any City department or official to provide City services, equipment or personnel in support of an event.
- B. The Mayor may, in his reasonable judgment, determine that the City will provide City services, equipment, or personnel for special events. If City services, equipment, or personnel are provided, the event organizer shall provide the City with cost recovery; but in the case of a protected free speech expression activity, such cost recovery shall be in accordance with all applicable law regarding the same.

§ 396-9. Time for filing application for permit; notifying Mayor of demonstration.

- A. For special events, an application for a special event permit shall be filed with the Mayor not less than 60 calendar days nor more than one year prior to the date(s) when the special event is proposed to be conducted.
- B. Any individual or organization organizing a demonstration shall submit a special event checklist to the Mayor not less than 72 hours before the time when the individual or organization proposes to conduct the demonstration.

§ 396-10. When application deemed complete.

An application for a special event permit is deemed complete when the applicant has provided all of the information required in § 396-11 and has paid all the required fees set in § 396-21. All other City fees that may also apply must have been paid as well. The applicant shall be notified in writing when the application is deemed complete.

§ 396-11. Contents of application.

The application for a special event permit shall be in a form prescribed by the Mayor and will include but not be limited to the following, as applicable to the event:

- A. The name, address and telephone number of the event organizer, if any, and the chief officer of the event organizer, if any, and shall contain certification that the responsible party for the event organizer is at least 18 years of age;
- B. A statement of the purpose of the special event;
- C. The proposed location for the special event;

- D. The date(s) and times when the special event is to be conducted;
- E. The specific proposed site or route, including a map and written narrative of the route;
- F. The approximate number of persons and/or vehicles that will constitute the special event;
- G. The number of vendors, suppliers and entertainers and the nature of goods to be provided or sold, including but not limited to the type of food and drink;
- H. The number and location of portable sanitation facilities and a recycling plan and waste management plan;
- I. Other equipment or services necessary to conduct the event with due regard for participant and public health and safety;
- J. Insurance and/or surety bond information; and
- K. Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed event activity.

§ 396-12. Contents of permit.

A special event permit may contain but is not limited to the following information or conditions, as applicable to the event:

- A. The location of the special event venue identified by a map attached to the special event permit.
- B. The dates, assembly area, times for assembly, and starting and ending time of the special event.
- C. The specific route plan to the special event.
- D. The minimum and maximum speeds of the special event.
- E. The number and types of persons, animals and/or vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement.
- F. The portion of the street and sidewalk that is to be occupied by the event.
- G. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the special event organizer.
- H. Conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the event organizer during the special event. Proof of full liquor liability insurance and a license to dispense alcohol from the Liquor Commission must be provided if alcohol is sold.
- I. Provisions for any required emergency medical or rescue services. Any person or agency providing such service will be approved by the Fire Chief or designee.
- J. Such other information and conditions as are reasonably necessary for the conduct of the special event and the enforcement of this chapter, including the requirement for the on-site presence of the event organizer or its designated representative for all event coordination and management purposes.
- K. As a condition of the issuance of a special event permit, the applicant shall be required to make

adequate provisions for cleaning up the area or route of the event both during and upon completion of the event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the event, and to pay for the cost to repair any damages caused by the event.

- L. At the discretion of the Mayor, a surety bond (or other reasonable means of providing financial assurance) may be required, as well as any other reasonable event permit conditions.

§ 396-13. Amendments to an approved application.

- A. Once an application has been approved, an amendment shall be filed at least 10 calendar days prior to the event if any of the conditions have changed, including but not limited to:

- (1) Number of attendees;
- (2) The boundaries, course, or location of the event;
- (3) Admission charged vs. free event;
- (4) Alcohol vs. nonalcohol event;
- (5) Loss of insurance coverage;
- (6) Addition of live music or dance; and
- (7) Addition of animals, livestock, fireworks, water or air activities or other uses that would significantly change the permit conditions.

- B. The Mayor has the discretion to revoke the permit due to changed conditions.

§ 396-14. Mayor's action on permit application.

- A. Except as provided in subsections below, the Mayor or his designee shall take final action upon a completed application for a special event permit within 30 calendar days.
- B. The Mayor or his designee is not required to take final action upon any special event permit application prior to 10 months before the event.
- C. The Mayor or his designee is not required to take final action on an incomplete or untimely special event permit application.
- D. Final action on a completed special event permit application shall consist of one of the following:
 - (1) Issuance of a special event permit in accordance with the terms of the application; or
 - (2) Issuance of a special event permit in accordance with the terms of the application, as modified by mutual agreement between the Mayor and the applicant; or
 - (3) Denial of the special event permit application by the Mayor.
- E. Notwithstanding the Mayor's acceptance of a completed application, no date shall be considered confirmed until a special event permit is actually issued.

§ 396-15. Reasons for denial of a permit.

- A. The Mayor or his designee shall deny a special event permit to an applicant who has not:

- (1) Provided for the services of a sufficient number of personnel authorized to direct traffic who are trained, certified and appointed; or
- (2) Provided sufficient monitors or security guards and/or specialized "event staff" for crowd control and safety; or
- (3) Provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for public health and the safety of participants and/or attendees; or
- (4) Provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or
- (5) Obtained permits and/or public safety (police/fire) details from other relevant authorities, as required in § 396-17; or
- (6) Provided adequate proof of insurance covering the event; or
- (7) Paid fees, other required deposits, damages or other costs from prior events or for this event.

§ 396-16. Display of permit required.

A copy of the special event permit shall be displayed in the special event venue in the method prescribed by the Mayor applicable to the particular event and shall be exhibited upon demand of any City official.

§ 396-17. Other permits and licenses.

- A. The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to this chapter or by any other public entity with jurisdiction over the event, including but not limited to the Amesbury Police Department, Amesbury Fire Department, Conservation Commission and the Board of Health.
- B. The issuance of any other permit or license issued pursuant to this chapter does not relieve any person from the obligation to obtain a special event permit pursuant to this chapter.

§ 396-18. Emergency and general powers of public safety officials.

As provided in applicable provisions of Massachusetts General Laws, public safety and public health officials are empowered to exercise all such emergency powers as granted to them, and nothing in this chapter shall in any way restrict any such emergency and general powers.

§ 396-19. Cost recovery for unlawful special event.

Whenever a commercial or noncommercial special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of an issued special event permit, the event organizer/host organization shall be responsible for all City costs incurred. The Mayor shall charge and bill the event organizer/host organization for personnel and equipment involved in any public safety response caused by, growing out of or necessitated by the adverse impacts of the event or the violation of the special event permit upon public safety.

§ 396-20. Severability.

The invalidity of one or more phrases, sentences, clauses or articles contained in this chapter shall not affect the remaining portions of this chapter or any part thereof; and in the event that any one or more of such phrases, sentences, clauses or articles should be declared invalid by the final order, decree or judgment of a court of competent jurisdiction, this chapter shall be construed as if such invalid phrases, sentences, clauses or articles had not been inserted in this chapter.

§ 396-21. Permit fee.

The special event permit fee shall initially be \$25 or as set periodically by the Mayor or his designee, subject to the approval of the City Council.

§ 396-22. Usage fee category/priority. [Added 1-28-2025 by Bill No. 2024-163]

- A. Category 1: Amesbury Youth Recreation Department/City of Amesbury and departments or branches of municipal government related uses (City meetings, elections, etc.).
- B. Category 2: Amesbury Public School Department activities (student performances, student athletic events, school dances, graduation ceremonies, school councils, school committee, etc.).
- C. Category 3: Amesbury - based youth organizations and community groups such as cultural, recreational, fraternal, patriotic, service and duly established charitable organizations.
 - (1) Seasonal/Recurring (12 uses within three-month period).
 - (2) One-time use (less than 12 uses within a three-month period).
- D. Category 4: Established youth organizations and community groups, such as cultural, recreational, fraternal, patriotic, service and duly established charitable organizations.
 - (1) Seasonal/recurring (12 uses within three-month period).
 - (2) One-time use (less than 12 uses within a three-month period).
- E. Category 5: Individuals hosting a private event.
- F. Category 6: For-profit businesses/organizations hosting a private event.
- G. Category 7: All other groups not mentioned in Categories 3, 4, 5, and 6, including but not limited to religious organizations, political organizations, or private promoters for their own exclusive profit.

§ 396-23. Regulations governing usage fees. [Added 1-28-2025 by Bill No. 2024-163]

- A. Categories 1 and 2 shall not be charged a fee to use the City-owned facilities in Amesbury.
- B. All City and school sponsored events referenced in Categories 1 and 2 can be reserved by contacting the Youth Recreation Department. Events that require additional support from City Departments i.e. Public Works, Police, Health, Inspections, etc. may require a Special Event Permit.
- C. Categories 3 through 7 shall be assessed a fee to use city-owned facilities in Amesbury according to the fee schedule. These categories all require a special event permit.
- D. Categories 3 through 7 must pay applicable fees in full seven days in advance of the event, unless

prior arrangements have been made with the Mayor or their designee.

- E. Utility charges are applicable to all categories as deemed necessary.
- F. Amesbury Soccer Association shall be exempt from fees in accordance with the Lease Agreement dated August 8, 2014 for the leased premises identified in Exhibit 3. The Lease Agreement was authorized under Council Bill 2013-122.

§ 396-24. Usage fee schedule. [Added 1-28-2025 by Bill No. 2024-163]

Facility Name	Categories 3a & 4a	Categories 3b & 4b	Category 5	Category 6	Category 7	Utility Fee per hour	Custodial Fee per hour
Al Capp Amphitheater	\$50 day	\$50 hr	\$75 hr	\$100 hr	\$150/hr	Included in Fees	
Camp Kent - Great Room and Outdoors	Not Available	\$25/hr (min. 4 hours)	\$35/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	Included in Fees	
Collins Street - Basketball Half Court	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	
Collins Street - Diamond Field	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	
Downtown - City Parking Lot	Not Available	\$75/day	\$100/day	\$150/day	\$200/day	Not Applicable	
Downtown - Gazebo	Not Available	\$25/hr	\$50/hr	\$50/hr	\$75/hr	Included in Fees	
Downtown - Market Square	Not Applicable	\$25/day	\$25/day	\$25/day	\$25/day	Not Applicable	
Heritage Park	\$50/day	\$50/hr	\$75/hr	\$100/hr	\$150/hr	Included in Fees	
Lake Gardner - Beach access for organized activity	Not Available	\$25/day	\$25/day	\$25/day	\$25/day	Not Applicable	
Lake Gardner - Shade Sail	Not Available	\$25/hr (min. 4 hours)	\$35/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	Not Applicable	
Landry Stadium	\$50/day	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	\$150/hr (min. 4 hours)	\$20/hr utility fee	\$40/hr for custodial
Town Park - Band Stand	Not Available	\$25/hr	\$50/hr	\$50/hr	\$75/hr	Included in Fees	
Town Park - Basketball Court	\$15/day	\$15/hr (min. 4 hours)	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	Not Applicable	
Town Park - Disc Golf	Not Available	\$15/hr (min. 4 hours)	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	Not Applicable	
Town Park - Highland Street Field	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$20/hr for lighting	
Town Park - Joe Packer Field	\$25/day	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	\$20/hr for lighting	
Town Park - Corner Field	\$15/day	\$15/hr (min. 4 hours)	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	Included in Fees	

Facility Name	Categories 3a & 4a	Categories 3b & 4b	Category 5	Category 6	Category 7	Utility Fee per hour	Custodial Fee per hour
Town Park - Randall Field	\$25/day	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	Not Applicable	
Town Park - Red Shade Structure	Not Available	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$100/hr (min. 4 hours)	Not Applicable	
Town Park - Skateboard Park	Not Available	\$15/hr (min. 4 hours)	\$25/hr (min. 4 hours)	\$50/hr (min. 4 hours)	\$75/hr (min. 4 hours)	\$20/hr for lighting	
Town Park - Lower Diamond	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	
Training Field	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	
Woodsom Farm South-Sledding Side	Not Available	\$50/day	\$50/day	Not Available	Not Available	Not Applicable	
Woodsom Farm North-Athletic Fields ¹	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	
Woodsom Farm North-Hay Fields	\$10/day	\$10/hr (min. 4 hours)	\$20/hr (min. 4 hours)	\$40/hr (min. 4 hours)	\$50/hr (min. 4 hours)	Not Applicable	

NOTES:

¹ Fields identified in Exhibit 3 in the Lease Agreement with the Amesbury Soccer Association, dated August 8, 2014 shall be exempt from fees.

§ 396-25. Regulations governing the use of facilities. [Added 1-28-2025 by Bill No. 2024-163]

- A. Only such facilities as have been requested and approved on the permit application shall be made available to the user/requester.
- B. If alcohol is to be served on premise, approval from the Amesbury Liquor License Commission is required.
- C. Smoking or use of tobacco products or illegal substances of any kind are not permitted on City premises per Amesbury Board of Health Rules and Regulations, Chapter 4, Section 2 and MGL Chapter 270, Section 22.
- D. All non-city or school related users (Categories 3 through 7) must submit a certificate of insurance liability naming the City of Amesbury as additional insured. The organization/event sponsor shall maintain commercial general liability coverage of at least \$1 million per occurrence and \$2 million aggregate. A Certificate of Insurance endorsed to name the City of Amesbury, as an additional Insured must be provided before any approval of facility use.
- E. All applicants for use of facilities owned by the City of Amesbury shall hold the City of Amesbury free and without harm from any loss or damage liability or expense that may arise during or caused in any way by such use of occupancy of these facilities.
- F. Applications for seasonal/recurring use (Categories 3a and 4a) will be awarded based on the following schedule. After those dates, the fee category/priority will serve as priority order for facility scheduling.

	Spring Season	Summer Season	Fall Season
Application Period Opens	January	January	January
Application Due By	February 15	April 30	July 31
Permits Issued By	March 15	June 1	August 15

- G. Individual requests will be handled on first-come, first-serve basis according to the usage fee category/priority and availability after seasonal/recurring applications are addressed.
- H. People or organizations renting the facilities shall clear their equipment at the end of their function. The applicant and organization shall be held responsible for the proper use of facility, for the conduct of the persons attending, and shall see to it that the activities are confined to the areas requested and the hours agreed to in the reservation. In the event that property loss or damage is incurred during such occupancy of City facilities, the amount of damage shall be decided by the Director of Public Works, Chief Financial Officer or their designee(s). A bill for damages or removal of anything left behind will be presented to the individual or group using or occupying the facilities during the time loss or damage was sustained.
- I. Any requests for waivers of fees or other conditions must be addressed by the Mayor.
- J. Any licenses or city ordinances require compliance (signage, tents, food, liquor, etc.).
- K. Field permit holders are not allowed to practice or play games on any field under the following conditions:
 - (1) When there is standing water on the field.

- (2) When the ground is water-logged and "squishy."
 - (3) When the footing is unsure and slippery.
 - (4) During any thunderstorm, lightening event, or heavy rain.
 - (5) When the field is snow-covered, further snow removal is not permitted.
- L. Infield/field striping and lining is not included as part of the fee for using a field.
- M. Refunds/cancellations. All fees paid are non-refundable unless the scheduled event is cancelled with written notice at least 30 days in advance.
- N. Reallocation or subletting fields or facilities is strictly prohibited. If permitted fields are going unused, the unused dates may not be assigned to non-permitted users and are to be turned back to the city for allocation to other users.
- O. Revocation of permission. Any violation of the permit's terms, conditions, and/or limitations shall be ground for immediate revocation of the permit. No refund of the permit fee will be granted and future applications for permits may be denied. Additionally, the Mayor, Recreation Director or Chief of Police reserve the right to cancel any permission granted. Revocation can occur for the following reasons:
- (1) If there is a present existing or imminent danger to public health, safety or welfare.
 - (2) Observed reoccurrence of permitted entity not using the reserved space.

AMESBURY CODE

Chapter 398

STORMWATER MANAGEMENT

**[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I
Illicit Discharges and Connections to Storm Sewer System
[Adopted 8-11-2020 by Bill No. 2020-077]

§ 398-1. Purpose.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the municipal storm drainage system is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. The purpose of this ordinance is as follows:

- A. Detection and elimination of illicit discharges, connections and/or obstructions.
 - (1) To prevent pollutants from entering the City's municipal separate storm sewer system (MS4) and waters of the Commonwealth of Massachusetts;
 - (2) To prohibit illicit discharges, connections and obstructions to the MS4;
 - (3) To require the removal of all such illicit discharges, connections and/or obstructions;
 - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (5) To establish the legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.
- B. Control of construction and post-construction runoff. This ordinance is intended to:
 - (1) Ensure and promote compliance with US Environmental Protection Agency (EPA) stormwater management regulations pertaining to municipal separate storm sewer systems (MS4s);
 - (2) Protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control construction site stormwater runoff and post-construction stormwater discharges which can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, and aquatic habitats.
 - (3) Establish minimum construction site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff generated from new development and redevelopment;
 - (4) Require practices that eliminate soil erosion and sedimentation resulting from land disturbance activities;
 - (5) Control the volume and rate of stormwater runoff resulting from land disturbances;
 - (6) Minimize flooding on abutting properties;
 - (7) Maintain the natural infiltration of stormwater on sites and/or promote recharge to groundwater where appropriately sited and/or treated, with emphasis on the Zones A, B, C and Zone 2 recharge areas in the watershed protection districts;
 - (8) Maintain the integrity of stream channels;

- (9) Minimize stream bank erosion;
- (10) Prevent or minimize adverse impacts to water quality in lakes, ponds, streams, rivers, wetlands and groundwater;
- (11) Promote infiltration and recharge of groundwater;
- (12) Encourage the use of nonstructural stormwater management practices or low-impact development practices, wherever practicable;
- (13) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- (14) Require practices to control construction waste; and
- (15) Prevent pollutants from entering the City's municipal separate storm sewer system (MS4).

§ 398-2. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ACTIVE GROUNDWATER DEWATERING SYSTEM — Any groundwater dewatering system that is not achieved by means of gravity only (i.e., use of mechanical or pumping apparatus).

APPLICANT — Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a stormwater management permit for proposed land disturbances.

AUTHORIZED ENFORCEMENT AGENCY — The City of Amesbury Planning Board shall be the authorized enforcement agency.

BEST MANAGEMENT PRACTICE (BMP) — An activity, procedure, restraint, or structural or nonstructural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) — A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING — Any activity that removes the vegetative surface cover. Clearing generally includes grubbing as defined below.

CONSTRUCTION PREPARATION — All activity in preparation for construction.

CONSTRUCTION WASTE — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

DESIGNATED AGENT — See "Director of Public Works."

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction and redevelopment, rehabilitation, expansion, demolition, or phased projects that

disturb the ground surface or increase the impervious cover area on previously developed sites.

DIRECTOR OF PUBLIC WORKS — The Director of Public Works shall be the designated agent. The Director of Public Works shall be the City's designated agent to assist the authorized enforcement agency to enforce the provisions of this ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions relative thereto on behalf of the City.

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

EROSION — The wearing away of the land surface by natural or artificial forces, such as wind, water, ice, gravity, or vehicle traffic, and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENT CONTROL PLAN — A document containing narrative, drawings, and details developed by a Massachusetts registered professional engineer (P.E.) or a certified professional in erosion and sediment control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during preconstruction and construction-related land disturbances. The plan is required as part of the application for a stormwater management permit.

FACILITY or ACTIVITY — Any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

GRADING — Changing the level or shape of the ground surface.

GROUNDWATER — Water beneath the surface of the ground.

GRUBBING — The act of clearing land surface by digging up roots and stumps.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted pursuant to this ordinance. The term does not include a discharge in compliance with a NPDES stormwater discharge permit or a surface water discharge permit, or resulting from firefighting activities exempted pursuant to this ordinance.

IMPERVIOUS COVER — Material covering the ground with a coefficient of runoff greater than 0.7 (as defined in Data Book for Civil Engineers by Seelye; $C = \text{runoff divided by rainfall}$), including, but not limited to, macadam, concrete, pavement and buildings.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, and rooftops.

LAND DISTURBANCE — Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 23 through 56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site. In January 2008, this policy was incorporated into the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00 et seq.).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGE — Discharge to the municipal storm drainage system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN — A plan prepared by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC) setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OPERATOR — The operator of any facility or activity subject to regulation under the NPDES program.

ORDINANCE — Refers to Chapter 398, Art. I, Stormwater Management Ordinance of the Code of Ordinances of the City of Amesbury, Massachusetts.

OWNER — A person with a legal or equitable interest in property.

PERMIT HOLDER or PERMITTEE — The person who holds a stormwater management permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;

- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

PRECONSTRUCTION — All activity in preparation for construction.

PROCESS WASTEWATER — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE — Process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT — Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT — Mineral or organic soil material that is transported by wind or water from its origin to another location; the product of erosion processes.

SEDIMENTATION — The process or act of deposition of sediment.

SITE — Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SLOPE — The incline of a ground surface expressed as a ratio of horizontal to vertical distance.

SOIL — Any earth, sand, rock, gravel, or similar material.

STORMWATER — Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN — A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), which includes structural and nonstructural best management practices to manage and treat stormwater generated from regulated development activity. A stormwater management plan also includes an operation and maintenance plan describing the maintenance requirements for structural best management practices and is required as part of the application for a stormwater management permit.

STREAM — A body of running water, including brooks, creeks, and other watercourses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert, is naturally obscured, or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year), or perennial.

SURFACE WATER DISCHARGE PERMIT — A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE — Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and MGL c. 21E, and the

regulations at 310 CMR 30.000 and 310 CMR 40.0000.

UNCONTAMINATED WATER — Water free of toxic or hazardous material or waste, sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent or other matter, whether originating at a point or nonpoint source.

WASTEWATER — Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

WATER QUALITY — The chemical, physical, and biological integrity of water resources.

WATER RESOURCES — All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WATERCOURSE — A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WETLANDS — Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to MGL c. 131, § 40 and 310 CMR 10.00 et seq.

ZONE A, B, C and ZONE 2 — Groundwater protection zones as defined by the City.

§ 398-3. Authority.

This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to MGL c. 83, §§ 1, 10, and 16, as amended by Ch. 149, §§ 135 through 140, Acts of 2004, and pursuant to the regulations of the Federal Clean Water Act (40 CFR 122.34).

§ 398-4. Applicability.

- A. Municipal separate storm sewer system (MS4) and waters of the Commonwealth of Massachusetts. This ordinance shall apply to flows entering the City's municipal separate storm sewer system (MS4) and waters of the Commonwealth of Massachusetts.
- B. Construction and post-construction activities.
 - (1) Any construction activity, including clearing, grading, and excavation that will disturb equal to or greater than 43,560 square feet of land or will disturb less than 43,560 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 43,560 square feet of land in the City of Amesbury.
 - (2) After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.

§ 398-5. Regulated activities, exemptions, prohibited activities, emergencies.

Any person that undertakes any construction activity (as defined in § 398-4, Applicability, Subsection B), including clearing, grading, and excavation that will disturb equal to or greater than 43,560 square feet of land or will disturb less than 43,560 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 43,560 square feet of land in the

City of Amesbury shall require a stormwater management permit from the Planning Board pursuant to this ordinance and regulations promulgated hereunder.

A. Regulated activities.

(1) Regulated activities shall include:

- (a) Land disturbance of 43,560 square feet or more of land associated with construction or reconstruction of structures;
 - (b) Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 43,560 square feet or more of land;
 - (c) Paving or other change in surface material over an area of 43,560 square feet or more of land;
 - (d) Construction of a new drainage system or alteration of an existing drainage system or conveyance draining an area of 43,560 square feet or more of land; and
 - (e) Any other activity on an area of land of 43,560 square feet or more that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include, but are not limited to: change from distributed runoff to confined, concentrated discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.
- (2) No person may create or maintain a direct connection or discharge to the MS4 without a connection and discharge permit from the Department of Public Works;
- (3) The City of Amesbury is not exempt from the provisions of this ordinance.

B. Exemptions: The following activities are exempt from the requirements of this ordinance:

- (1) Construction activities waived from permit coverage under the NPDES general permit for stormwater discharges from construction activities;
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, Regulation 310 CMR 10.04;
- (3) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family or two-family dwelling that will not alter existing terrain or drainage patterns;
- (4) The construction of fencing that will not alter existing terrain or drainage patterns;
- (5) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in a permanent alteration of runoff or drainage characteristics and will comply with the erosion control standard in the Massachusetts Stormwater Standards;
- (6) Emergency work to protect life, limb, or property;
- (7) Normal maintenance of or emergency repairs to any stormwater treatment facility deemed necessary by the Planning Board or its agents;
- (8) Repair of septic systems when required by the Board of Health for the protection of public

health; and

- (9) Improvement of City-owned public ways and appurtenances that will not result in an expansion of impervious cover of more than 43,560 square feet.

C. Prohibited activities. The following activities are prohibited under this ordinance:

- (1) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth of Massachusetts;
- (2) Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection; and
- (3) Obstruction of municipal storm drainage system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Department of Public Works.

D. Allowable nonstormwater discharges. The following activities are allowed without the need for approval from the Planning Board:

- (1) Discharge or flow resulting from firefighting activities;
- (2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters, provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (i.e., residential sump pumps);
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated residential, public or semipublic swimming pool water (less than one ppm chlorine) and the pool is drained in such a way as not to cause a nuisance;
 - (l) Discharge from street sweeping;
 - (m) Dye testing, provided that written and verbal notification is given to the Department of

Public Works prior to the time of the test;

- (n) Nonstormwater discharge permitted under a NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - (o) Discharge for which advanced written approval is received from the Department of Public Works as necessary to protect public health, safety, welfare or the environment.
- E. Discharge of pollutants; emergency response and action. The following activities shall be enforced by the designated agent (Director of Public Works) without the need for approval from the Planning Board:
 - (1) Emergency suspension of municipal storm drainage system access. The Department of Public Works may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Department of Public Works may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
 - (2) Notification of spills. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release, including the following:
 - (a) In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire and Police Departments, Health Department, and the Department of Public Works;
 - (b) In the event of a release of nonhazardous material, the reporting person shall notify the Department of Public Works no later than the next business day;
 - (c) The reporting person shall provide to the Department of Public Works written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter; and
 - (d) If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of the incident.

§ 398-6. Permits and stormwater management regulations.

- A. The Planning Board, as the authorized enforcement agency, shall administer, implement, and enforce this ordinance. Any powers granted to or duties imposed upon the Planning Board in this ordinance may be delegated to the designated agent as defined in this ordinance.
- B. Rules and regulations.

- (1) The Planning Board may adopt and periodically amend rules and regulations to effectuate the purposes of this ordinance. Said regulations may include, but shall not be limited to provisions regarding: administration; application requirements and fees; permitting procedures and requirements; design standards; surety requirements; inspection and site supervision requirements; waivers and exemptions; and enforcement procedures. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.
 - (2) Adoption of and revisions to regulations may only be made after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days before the hearing date.
- C. The Planning Board shall refer to the criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy or to the design criteria as described in the City of Amesbury's Subdivision Rules and Regulations or to the City of Amesbury Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the City's environmental and infrastructure resources, for execution of the provisions of this ordinance.
- D. The Planning Board may waive strict compliance with any requirement of this ordinance or the regulations promulgated hereunder, where such action is:
- (1) Allowed by federal, state or local statutes and/or regulations;
 - (2) In the public interest; and
 - (3) Not inconsistent with the purpose and intent of this ordinance and its regulations.

§ 398-7. Consultants.

At the applicant's expense, the Planning Board may retain independent consultants as needed to review applications for stormwater management permits and to advise the Board on any and all aspects of a specific project. Independent consultants may include but are not limited to registered professional engineers and environmental site monitors.

§ 398-8. Permit review procedures.

Projects requiring a stormwater management permit shall be subject to the City of Amesbury Stormwater Management and Erosion Control Regulations promulgated under § 398-6 of this ordinance in addition to the procedures as set forth below.

A. Application.

- (1) An application package shall be filed with the Planning Board and other departments as specified in the regulations.
- (2) The Planning Board shall review the application for completeness and compliance with this ordinance and its regulations.

B. Public meetings.

- (1) The Planning Board shall hold a public meeting on all applications for stormwater management permits for the purpose of reviewing the application and accepting public input.

- (2) Notice of the public meeting shall be given by posting and by first class mailings to abutters and abutters to abutters within 300 feet of the property line of the project site at least seven days prior to the meeting.
- (3) The Board shall make the application available for inspection by the public during business hours at the City offices.

C. Actions. The Planning Board may:

- (1) Approve the application and issue a permit if it finds that the proposed plan meets the objectives and requirements of this ordinance and its regulations;
- (2) Approve the application and issue a permit with conditions, modifications, or restrictions that the Board determines meet the objectives and requirements of this ordinance and its regulations;
- (3) Disapprove the application and deny a permit if the Planning Board finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume; or
- (4) Disapprove the application and deny a permit if it finds that the proposed plan fails to meet the objectives and requirements of this ordinance or its regulations.

D. Time for action by the Board.

- (1) Within 45 days of the filing of an application for a stormwater management permit, the Planning Board or its designated agent shall:
 - (a) Evaluate the application to ensure that it is complete prior to distribution;
 - (b) Distribute the complete application to boards and departments for technical review as specified in the regulations; and
 - (c) Arrange agenda time for a public meeting before the Planning Board.
- (2) Within 60 days of the filing of the application, an interdepartmental review shall be held. Following the interdepartmental review but prior to the Planning Board public meeting, the Department of Public Works or the consultants retained by the Board for review of the stormwater management permit application shall provide a written recommendation for action on the application. Such recommendation shall itemize all instances where the applicant has failed to meet the specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy or of the design criteria as described in the City of Amesbury's Subdivision Rules and Regulations or of the City of Amesbury Stormwater Management and Erosion Control Regulations.
- (3) Within 90 days of the filing of an application for a stormwater management permit, the Planning Board shall hold a public meeting.
- (4) Once begun, the public meeting may not continue for more than 60 days unless such time is extended by written agreement between the applicant and the Board to a date certain announced at the meeting.
- (5) The Planning Board shall take final action within 21 days of the close of the public meeting discussion.

- E. Permit duration. All activity permitted by this ordinance must be completed within one year of permit issuance. Extensions of time can be granted by the Planning Board upon formal written request by the applicant. If one year passes without an extension being granted, the Board may revoke the permit.
- F. Certificate of completion. The Planning Board shall issue a certificate of completion upon receipt and approval of final reports and documentation as specified in the regulations.
- G. Public record. The following documents shall be recorded at the Essex Registry of Deeds at the applicant's expense and proof of recording provided to the Planning Board:
 - (1) The stormwater management permit.
 - (2) The approved operation and maintenance plan.
 - (3) The certificate of completion.
- H. Failure to act. Upon certification by the City Clerk that the allowed time has passed without the Planning Board's action, failure to take such action shall be deemed to be approval of said application and a stormwater management permit shall be issued.
- I. Appeals of action by the Planning Board.
 - (1) A written decision of the Planning Board shall be final when it is executed by the Planning Board and filed in the City Clerk's office. Further relief of a decision by the Planning Board made under this ordinance shall be in the Superior Court or Land Court in accordance with the applicable law. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.
 - (2) No work shall commence until the applicable appeal period has passed with no appeal, per MGL c. 249, § 4, or, if an appeal has been filed, the appeal has been finally resolved by adjudication or otherwise.

§ 398-9. Persons aggrieved.

Any person aggrieved by a decision or action of a designated agent appointed by the Planning Board under § 398-8, including but not limited to matters regarding completeness of application, inspections, and compliance with technical design criteria, may, within 30 days of such decision or action, request a public meeting with the Planning Board. In such cases, following the decision of the Planning Board, the provisions of § 398-8I shall apply.

§ 398-10. Enforcement.

The Planning Board or its designated agent shall enforce this ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions on behalf of the City, and may pursue all civil and criminal remedies for such violations pursuant thereto.

- A. Civil relief. If a person violates the provisions of this ordinance or any regulations, orders, violation notices, enforcement orders and permit conditions issued hereunder, the Planning Board or its designated agent may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.

- (1) The Planning Board or its designated agent may issue a written order to enforce the provisions of this ordinance and any regulations, orders, violation notices, enforcement orders and permit conditions hereunder, which may include requirements to:
 - (a) Cease and desist from construction or land disturbance until there is compliance with this ordinance, and an approved stormwater management permit, including the stormwater management plan and the erosion and sediment control plan;
 - (b) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
 - (c) Remediate erosion and sedimentation resulting directly or indirectly from the land-disturbing or construction activity;
 - (d) Maintain, install or perform additional erosion and sediment control measures;
 - (e) Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system;
 - (f) Eliminate illicit discharges, connections and/or obstructions to the MS4;
 - (g) Perform monitoring, analyses, and reporting;
 - (h) Cease and desist unlawful discharges, practices, or operations; and
 - (i) Remediate contamination in connection therewith.
 - (2) If the Planning Board determines that abatement or remediation of contamination or adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed by the violator or property owner.
- C. Criminal penalty. Any person who violates any provision of this ordinance and/or any regulations, orders, violation notices, enforcement orders and permit conditions issued hereunder shall be punished by a fine of \$300. Each day or part thereof that such violation occurs or continues to occur by failure to comply with an order or notice from the Planning Board or its designated agent shall constitute a separate violation.
- D. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the City may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, and adopted by the City as a general ordinance in which case the Planning Board or its designate agent shall be the enforcing agency. The penalty for each violation shall be set as follows: a) for the first violation (failure to comply with an order or notice) shall be \$100; b) for the second violation shall be \$200; c) for the third and subsequent offenses shall be \$300. Each day or part thereof that such violation occurs or continues to occur shall constitute a separate offense.
- E. Entry to perform duties under this ordinance. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board or its authorized agent and their officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and regulations and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary.
- F. Lien. If the Planning Board or its authorized agent undertakes work to correct or mitigate any violation of this ordinance, the Planning Board shall (within 30 days after completing the work) notify the permit holder and the owner(s) of the property (if different) in writing of the costs incurred by the

City of Amesbury, including administrative costs, associated with that work. The permit holder and the property owner(s) (if different) shall be jointly and severally liable to pay the City of Amesbury those costs within 30 days of the receipt of that notice. The permit holder and the property owner(s) (if different) may file a written protest objecting to the amount or basis of costs with the Planning Board within 30 days of receipt of the notice. If the amount due is not received by the City of Amesbury by the expiration of the time in which to file such a protest, or within 60 after the final decision of the Planning Board or a court of competent jurisdiction resolving that protest, the amount of the City's costs shall be a special assessment against the property and shall constitute a lien on the property pursuant to MGL c. 40, § 58. Interest shall accrue on any unpaid costs at statutory rate, as provided in MGL c. 59, § 57.

§ 398-11. Surety.

The Planning Board may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other security. The form and amount of any surety shall be determined by the Planning Board, based on the scale and nature of the subject project, to ensure that all work will be completed in accordance with the permit. The surety may not be fully released until the Planning Board has issued a certificate of completion and all other requirements stipulated in the regulations adopted by the Board have been satisfactorily met.

§ 398-12. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid for any reason, such invalidity shall not affect the other provisions or application of this ordinance, and all other provisions shall continue in full force and effect.

AMESBURY CODE

Chapter 400

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

STREETS AND SIDEWALKS

Bicycles and play vehicles — See Ch. 219.

Obstruction of sidewalks — See Ch. 360.

Excavations near gas lines — See Ch. 244, Art. I.

Littering — See Ch. 360.

ARTICLE I
General Regulations
[Adopted as Art. 17, §§ 17.1 to 17.8 of the 1990 Bylaws]

§ 400-1. Permit required to obstruct or excavate.

No person shall obstruct by means of placing any physical material or object on any sidewalk or street or any part thereof or break or dig the ground of the same without first obtaining a written permit from the Director of Public Works as provided by this article.

§ 400-2. Use of street for placement of building materials or rubbish.

Every person intending to erect, repair or take down any building on land abutting on any street or way which the City is required to keep in repair and who desires to make use of any portion of said street or way for the purpose of placing therein building materials or rubbish shall make written application to the Director of Public Works for a permit to obstruct or occupy such street or way for a temporary period. The Director of Public Works may grant a permit to occupy temporarily a portion of said street or way, and such permit shall be upon the condition that the person so authorized shall keep a sufficient number of lighted lanterns or other suitable warnings at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same, while such construction shall continue. If such obstruction is to continue for a period in excess of three days, the person to whom such permit is granted shall place a safe temporary walk around said obstruction. Upon the completion of work, the person to whom the permit is granted shall restore the street or way to the satisfaction of the Director of Public Works.

§ 400-3. Excavations.

Any person who desires to dig up or cause to be dug up any street or way in the City or to obstruct or occupy any portion of a street or way in the City shall make written application to the Director of Public Works stating therein the street or streets and the portions of the same which are to be excavated or obstructed and the reason for such excavation or obstruction and any other information which the Director shall require. The applicant shall also execute a written agreement to indemnify and save harmless the City against and from all damages, by reason of cost, expense or of any other nature, it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, arising or growing out of the existence of such excavation or obstruction. Upon completion of the work the person granted such a permit shall restore the street or way to the satisfaction of the Director of Public Works.

§ 400-4. Requests for permits.

All requests for permits to be granted by the Director of Public Works under any provision of this article shall be in writing and signed by the person requesting such permit or his agent duly authorized. All permits shall be signed by the Director of Public Works granting the same, and duplicates thereof shall be retained in the files of the Department of Public Works. Permits granted under this article shall not remain in force more than 90 days from the date of issuance unless such period shall be extended upon application made to the Director of Public Works.

§ 400-5. Snow removal.

- A. The Mayor may declare a snow emergency for the purpose of removing or plowing snow, or removing ice from any way. During a snow emergency, the Director of Public Works or his agent is authorized to remove any vehicle interfering with such work to some convenient place, which term

shall include a public garage, and the owner of any vehicle so removed shall be liable for the cost of such removal and the storage charges, if any, resulting therefrom. The Director of Public Works shall maintain a policy on snow emergency notification procedures subject to approval by the Mayor. **[Amended 10-15-2019 by Bill No. 2019-074]**

- B. No person shall push, dump, plow, or unload snow from private property into or onto any public way in City, nor shall any person, directly or indirectly, cause or permit his premises or any part thereof to be cleared of snow by pushing, plowing, removing, dumping, or unloading such snow upon any public or other way used for travel within the City.
- C. No person shall put or place any snow, ice, or other materials in any gutter in any of the streets of the City where a culvert has been constructed so as to prevent the free passage of water into such culvert.
- D. The tenant or occupant and, in case there shall be no tenant or occupant, the owner or any person having the care of any building or lot of land bordering on any street, lane, court, square, or public place within the City, where there is a sidewalk, shall cause all snow to be removed and ice to be treated that may be on such sidewalk therefrom within 24 hours after the snow ceases to fall. The provisions of this subsection shall apply to snow and ice which falls from buildings as well as to that which falls from the clouds. **[Amended 10-4-2022 by Bill No. 2022-110]**
- E. The Department of Public works shall clear snow, ice and slush from certain City sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways. Each year during the month of November, the Director of Public Works shall publish an updated snow and ice plan including sidewalk snow clearing routes. The Director of Public Works shall send a copy of the snow and ice plan to the Mayor, City Council and the Superintendent of Schools, and post on the City website. **[Added 10-4-2022 by Bill No. 2022-110]**
- F. The Council on Aging in collaboration with local organizations shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. Said lists shall be referenced in the snow and ice plan submitted November each year, and be made available at the City Clerk's office. **[Added 10-4-2022 by Bill No. 2022-110]**

§ 400-6. Drainage.

No persons shall cause cellar water, surface or percolating water or other drainage to be collected in any artificial manner so that the same will be pumped or discharged directly upon any public or other way within the City or upon his own land in such a manner that it will flow upon any such ways so as to create a public hazard.

§ 400-7. Enforcement; violations and penalties. [Amended 7-13-2010 by Bill No. 2010-057; 10-4-2022 by Bill No. 2022-110]

- A. The enforcement of this article shall be under jurisdiction of the Director of Public Works and their agents, the Director of Inspectional Services and their agents, and members of the Amesbury Police Department.
- B. Violation of § 400-5D of this article shall result in a fine of \$25 for the first offense and \$50 for each subsequent offense. Each day a violation of any section of this article continues shall constitute a separate offense.

ARTICLE II
Scenic Roads
[Adopted 11-9-1999 by Bill No. 99-147]

§ 400-8. Purpose and authority.

This article is adopted under MGL c. 40, § 15C (the "Scenic Roads Act") to protect and maintain the scenic beauty, aesthetic value and historic significance of certain designated scenic roads in the Town of Amesbury. The administrative procedures and functions assigned to various City agencies are so assigned pursuant to Section 6-1 of the 1996 Amesbury Home Rule Charter.

§ 400-9. Definitions.

For the purposes of this article, these terms shall have the following meanings:

AMESBURY PLANNING BOARD — The Amesbury Planning Board established by Section 4-4 of the 1996 Amesbury Home Rule Charter.

CHARTER — The 1996 Amesbury Home Rule Charter, or any successor Charter.

CUTTING OR REMOVAL OF TREES — The cutting or removal of one or more street trees or park trees, as those terms are defined in Chapter 427, Trees, § 427-1.

PERSON — Includes any individual, organization, business, corporate entity or governmental agency involved in any activity prohibited or restricted by this article.

REPAIR, MAINTENANCE, RECONSTRUCTION OR PAVING WORK — Includes any such work done within the right-of-way by any person or agency, public or private, including the construction or alteration of the portion of private driveways within the right-of-way.

ROAD — A vehicular-traveled way plus its necessary appurtenances within the right-of-way, including bridge structures, drainage system, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways.

TEARING DOWN OR DESTRUCTION OF STONE WALLS — The tearing down, destruction, burial or relocation of more than five linear feet of any stone or brick wall, any type of retaining wall, or any hillside, berm or mound of earth which rises more than a foot above the existing road grade; provided, however, that this term shall not be construed to include the repair of such walls or earthen mounds, and further provided that this term shall not include the temporary removal, and timely replacement at the same location with the same materials, of such walls or earthen mounds.

TRAFFIC COMMISSION — The Amesbury Traffic and Transportation Commission or any successor agency of the City.

§ 400-10. Assignment of powers.

- A. For the purposes of this article and the implementation of the Scenic Roads Act, the Traffic Commission shall act as the City Planning Board and shall exercise all powers and responsibilities authorized to planning boards by MGL c. 40, § 15C. The Traffic Commission shall have full authority to hold public hearings and to issue or deny such written consent as necessary for the proper implementation of this article and the Scenic Roads Act and for the public interest. Except as otherwise authorized by this article, such written consent shall be issued or denied by the Traffic Commission only after the completion of all public hearings required by this article and the Scenic Roads Act and only upon a vote by the majority of Traffic Commission members then in office.

- B. For the purposes of this article and the implementation of the Scenic Roads Act, the Amesbury Planning Board established by Section 4-4 of the Charter shall have only those duties and powers expressly authorized by this article.
- C. All action taken by joint meetings of the Planning Board and Traffic Commission shall be subject to approval of the Municipal Council which may be by administrative approval.

§ 400-11. Scenic road designation.

- A. Procedure. Any resident or group of residents, at least one of whom shall reside on the recommended street or streets, may appear before the Traffic Commission, the Amesbury Planning Board, or the Historical Commission to request the recommendation of their street or road to be designated as a scenic road. Prior to making such recommendation, the Board or Commission shall hold a public hearing thereon, duly advertised according to the Scenic Roads Act and the established procedures of that Board or Commission, also noting the date, time and place of a site visit, if one is to be held. Such recommendation shall then be forwarded to the Municipal Council for consideration at its next scheduled meeting. Scenic road designation shall be made by a majority vote of the full membership of the Municipal Council or as a matter of free petition pursuant to Section 8-1 of the Charter.
- B. Considerations. The following shall be considered in any recommendation or determination of whether a street or road shall be designated a scenic road:
 - (1) Historic significance of affected trees and walls.
 - (2) Exceptional qualities of trees in terms of age, spread, species or specimen size.
 - (3) Bordering land uses, present and prospective, and how they impact the importance of retaining trees and walls.
 - (4) Feasibility of accomplishing the intent of the Scenic Roads Act in light of road design and use.
- C. Designated roads. The following are designated as scenic roads:
 - (1) Elm Street.
 - (2) Highland Street.
 - (3) Hillside Avenue.
 - (4) Lions Mouth Road.
 - (5) Main Street from the Bailey Bridge (the so-called Powow River Bridge) to Deer Island.
 - (6) Market Street.
 - (7) Merrimac Street.
 - (8) Pleasant Valley Road.
 - (9) Whitehall Road.

§ 400-12. Review procedures.

- A. Actions prohibited without prior written consent. No person shall participate in any way in the cutting or removal of trees, or the tearing down or destruction of stone walls, within or along the right-of-way

of any designated scenic road without first obtaining the written consent of the Traffic Commission.

- B. Determination of applicability. Upon the request of any person or organization proposing to perform any work within the right-of-way of any designated scenic road, the Traffic Commission shall issue a determination of whether the scope of work proposed will involve or include the cutting or removal of trees or the tearing down or destruction of stone walls, such that, under this article and the Scenic Roads Act, the consent of the Traffic Commission must be obtained prior to such work being performed. The Traffic Commission shall hold a public hearing on the matter within 30 days from the date on which a request for such determination is received by the City Clerk, unless a longer time is agreed to by the applicant, and shall timely issue its determination by written notice to the City Clerk, who shall send a copy of such notice to the applicant. If the Traffic Commission determines that the scope of work proposed does involve or include the cutting or removal of trees or the tearing down or destruction of stone walls, the Traffic Commission's consent to such work must be separately obtained before any such work is commenced. If the Traffic Commission determines that the scope of work proposed does not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls, such determination shall be limited to the scope of work considered by the Traffic Commission and shall not apply to any modifications or changes to that scope of work.
- C. Filing of request for consent. Any person or organization seeking the written consent of the Traffic Commission regarding any repair, maintenance, reconstruction or paving work to be done within the right-of-way of any designated scenic road in connection with repair, maintenance, reconstruction or paving work on any designated scenic road shall submit to the Traffic Commission a request seeking such consent, together with the following:
- (1) The text of a legal notice identifying the location of the proposed action, in terms which will enable readers to reasonably identify the proposed site of such work without requiring reference to any documents other than a street map, and also describing the proposed changes to trees, walls and earthen mounds;
 - (2) A list of the owners of any land which is both abutting the affected street and located in whole or in part within 300 feet of the affected section;
 - (3) Except in the case of City agencies, a deposit sufficient for the cost of publishing the legal notice; and
 - (4) A plan and explanatory material describing the proposed action, together with any restoration or compensatory efforts proposed, and a proposed performance security bond.
- D. Notice. The Traffic Commission shall give notice of the public hearing, as required by statute, by twice advertising in a newspaper of general circulation in the area, the last time at least seven days prior to the hearing. The applicant shall, at least seven days prior to the hearing, send copies of the legal notice to the Mayor, the Municipal Council, the Conservation Commission, the Historical Commission, the Tree Board, the Director of Public Works, and all owners of property identified at Subsection A(2) above.⁶²
- E. Relationship to other agencies and authorities. Whenever feasible, the Traffic Commission shall hold its public hearings in conjunction with hearings held by the Tree Board, pursuant to MGL c. 87, and in conjunction with hearings held by the Amesbury Planning Board, pursuant to its authority to approve curb cuts. The consent of the Traffic Commission to any proposed action shall not imply the consent to, nor the review of, that action by the Tree Board or the Amesbury Planning Board. The

62. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

consent of the Tree Board or the Amesbury Planning Board to any action shall not imply the consent to, nor the review of, that action by the Traffic Commission.

- F. **Timing.** The Traffic Commission shall hold its hearing within 30 days from the date on which a request for consent is received by the City Clerk and shall make a decision on whether to issue such consent within 45 days of the City Clerk's receipt of the request, unless a longer time is agreed to by the applicant. Consent shall be issued or denied by written notice to be filed with the City Clerk, who shall send a copy of such notice to the applicant. Failure of the Traffic Commission to file such notice with the City Clerk within the time allotted shall be deemed constructive approval of the request for consent.
- G. **Decisions.** Any written consent issued by the Traffic Commission shall contain a condition that no work shall be done until all applicable provisions of the Public Shade Tree Law, MGL c. 87, and Chapter 427, Trees, of this Code have been complied with.
- H. **Emergency work.** When an emergency, as defined in the Charter, Section 9-4b, when necessary to protect the public health, public or private property or public safety, is declared, the provision of Subsections A to F of this section are temporarily suspended. The Chairman of the Traffic Commission shall be notified of the emergency declaration within 48 hours. The Chairman shall immediately notify all Traffic Commission members of any and all such emergency actions, both by telephone and by mail. Such emergency actions shall remain valid only until the next meeting of the Traffic Commission, at which meeting said actions shall be subject to approval by a majority of those members present. If, at said meeting, the Traffic Commission fails to approve the Chairman's emergency actions, such consent shall be deemed withdrawn, and further cutting or removal of trees or tearing down or destruction of stone walls shall be prohibited, unless and until further consent is obtained from the full Traffic Commission pursuant to the provisions of this article.

§ 400-13. Project considerations.

In acting on scenic road alteration proposals, the Traffic Commission shall take into consideration the following:

- A. Preservation of natural resources;
- B. Environmental and historical values;
- C. Scenic and esthetic characteristics;
- D. Public safety;
- E. Traffic volume and congestion;
- F. Relationship of road design to the standards of the Amesbury Planning Board's Subdivision Regulations and to the standards of the Massachusetts Highway Department;
- G. Compensatory actions proposed, such as replacement trees or walls;
- H. Functional urgency of the repair, maintenance, reconstruction or paving;
- I. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
- J. Evidence contributed by abutters, City agencies and other interested parties;
- K. Availability of reasonable and less damaging alternatives to the proposed action; and

L. Any other traffic planning considerations.

§ 400-14. Minimum compensatory actions.

- A. In deciding whether to grant consent, the Traffic Commission may consider compensatory actions such as the planting of new trees or the reconstruction of walls. If the overall effect of the proposed alteration, including compensatory action, is to maintain the scenic quality and character of the road, the Traffic Commission may grant approval that otherwise would be denied.
- B. Not less than the following shall normally be considered adequate compensatory action:
- (1) Trees destroyed shall be replaced with nursery-grade trees on the following basis (trees measured four feet above ground):
 - (a) Each tree of up to 12 inches in diameter which is cut or removed shall be replaced with one tree of at least four inches in diameter.
 - (b) Each tree of 12 inches to 24 inches in diameter which is cut or removed shall be replaced with three trees of at least four inches in diameter.
 - (c) Each tree of over 24 inches in diameter which is cut or removed shall be replaced with four trees of at least four inches in diameter.
 - (2) Replacement trees shall be planted under the supervision of the Tree Board and shall be planted as soon as construction activity and the season permit, but in any event within nine months of the removal of a tree, unless a longer period is authorized by the Traffic Commission.
 - (3) Stone walls shall be replaced in kind on a new alignment, connecting with undisturbed walls wherever possible.

§ 400-15. Enforcement; violations and penalties.

This article shall be enforced through noncriminal disposition under the provisions of Chapter 1, Article I, of this Code by the Building Commissioner and officers of the Amesbury Police Department. Violation of this article shall be punished by a fine of \$300, with each day that the violation continues considered a separate offense.

§ 400-16. Conflicts.

To the extent that any provisions of this article conflict with any other City ordinance or bylaw, the provisions of this article shall prevail.

ARTICLE III
Unaccepted Streets
[Adopted 12-11-2007 by Bill No. 2007-117]

§ 400-17. Snow and ice removal.

The road currently serving Middle Road No. 72, No. 74, and No. 76, Elizabeth Street and the road currently serving Elizabeth Street (No. 13, No. 17, No. 19, No. 21, No. 23, No. 25, and No. 27) shall be eligible for expenditure of public funds for the removal of snow and ice from private ways open to public use in accordance with MGL c. 40, § 6C and Measure 2000-197.

§ 400-18. Maintenance.

The road currently serving Middle Road No. 72, No. 74, and No. 76 and the road currently serving Elizabeth Street (No. 13, No. 17, No. 19, No. 21, No. 23, No. 25, and No. 27) shall be eligible to be maintained by the City as provided for by MGL c. 40, § 6N and set forth in Measure 98-181.

STRETCH ENERGY CODE

Chapter 405

STRETCH ENERGY CODE

[HISTORY: Adopted by the City Council of the City of Amesbury 1-8-2013 by Bill No. 2012-091. Amendments noted where applicable.]

GENERAL REFERENCES

Construction — See Ch. 244.

§ 405-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — A building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 405-2. Purpose.

The purpose of 780 CMR Appendix 115.AA is to provide a more-energy-efficient alternative to the base energy code applicable to the relevant sections of the Building Code for both new construction and existing buildings.

§ 405-3. Applicability.

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, or 51, as applicable.

§ 405-4. Stretch Code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the City of Amesbury's bylaws. The Stretch Code is enforceable by the Building Commissioner/Zoning Compliance Officer.

AMESBURY CODE

Chapter 408

SWIMMING POOLS

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

ARTICLE I
Fencing
[Adopted as Art. 30 of the 1990 Bylaws]

§ 408-1. Classification of pools.

Any constructed pool which is used, including pools already existing, or intended to be used as a swimming pool in connection with a single- or two-family residence and available only to the family of the householder and his private guests shall be classified as a private swimming pool. Any swimming pool other than a private swimming pool shall be classified in the public or semipublic swimming pool categories.

§ 408-2. Building Code.⁶³

Every class of swimming pool shall be subject to applicable provisions of the Massachusetts State Building Code currently in effect.

§ 408-3. Height of fence or wall.

All private outdoor swimming pools, whether or not filled with water, shall be completely surrounded at all times by a fence or wall not less than four feet in height above grade, which may be the pool wall itself.

§ 408-4. Gaps in fence or wall.

Every such fence or wall shall be so constructed as to not have openings, holes or gaps larger than four inches in any dimension except for doors, gates and picket fences; in the latter case, however, the gaps between pickets shall not exceed four inches.

§ 408-5. Gates or doors.

All gates or doors opening through such enclosure shall be of not less than four feet in height and shall be equipped with a self-latching device located at least four feet above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept latched at all times when the swimming pool is not in use, and any ladders removed.

63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Wiring
[Adopted as Art. 37 of the 1990 Bylaws]

§ 408-6. Wiring permit.⁶⁴

No building permit for the installation of any swimming pool shall be issued unless a wiring permit is issued at the same time.

64. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

AMESBURY CODE

Chapter 411

TAXATION

[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Real Estate Tax Reduction Program
[Adopted 5-12-2020 by Bill No. 2020-069]

§ 411-1. Number of participants limited; selection of participants.

For both the Senior Real Estate Tax Reduction Program and the program for veterans to volunteer to provide services in exchange for reduction in real property tax obligations, only 30 participants in total shall be permitted, such participants to be chosen on a strictly first-come, first-served basis.

§ 411-2. Limitations.

No person participating in the programs referenced herein shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year.

ARTICLE II
Means-Tested Senior Citizens Tax Exemption
[Adopted 5-12-2021 by Bill No. 2021-044]

§ 411-3. Exemption established.

With respect to each qualifying parcel of real property classified as class one, residential in the City of Amesbury there shall be an exemption from the property tax in an amount to be set annually by the City Council as provided in § 411-5. The exemption shall be applied to the domicile (i.e., primary residence) of the taxpayer only. For the purposes of this article, "parcel" shall be a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

§ 411-4. Criteria for qualification.

Real property shall qualify for the exemption under § 411-3 if all of the following criteria are met:

- A. The qualifying real property is owned and occupied by a person who qualified and received the circuit breaker income tax credit the previous year under MGL c. 62, § 6(k);
- B. The qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- C. The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- D. The applicant or at least one of the joint applicants has been domiciled and owned a home in the City of Amesbury for at least the 10 consecutive years preceding the filing of an application for the exemption;
- E. The maximum prior year assessed value of the domicile is no greater than the prior year's maximum assessed value for qualification for the circuit breaker income tax credit under MGL c. 62, § 6(k) as adjusted annually by the Department of Revenue; and
- F. The Board of Assessors has approved the application.

§ 411-5. Establishment of exemption amount.

The City of Amesbury's Board of Assessors shall annually set the exemption amount provided for in § 411-3 at 150% of the amount of the circuit breaker income tax credit under MGL c. 62, § 6(k) for which the applicant received in the previous year.

§ 411-6. Application required.

A person who seeks to qualify for the exemption under § 411-3 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the filed income tax return of the applicant showing they circuit breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

§ 411-7. Grant of exemptions.

Exemptions shall be granted from the overlay account for the applicable fiscal year.

§ 411-8. Filing of home rule petition.

The Mayor is authorized to file a home rule petition with the State Legislature if such a step is needed to implement this article.

§ 411-9. When effective.

This article shall take effect in the next fiscal year after passage of any home rule petition, if required. If no home rule petition is required, then it will become effective in the fiscal year following its passage locally.

§ 411-10. Annual limit.

The annual limit for this program shall be \$200,000 but not less than \$100,000. The limit may be increased by an order approved by Council and the Mayor in any subsequent year.

ARTICLE III
Senior Citizen Tax Deferrals
[Adopted 5-12-2021 by Bill No. 2021-052]

§ 411-11. Lower interest rate established.

The City of Amesbury shall adopt and apply a lower interest rate of 4% per annum on deferred property tax amounts for senior citizens who meet the prevailing criteria of MGL c. 59, § 5, Clause 31A.

§ 411-12. Income limit eligibility.

The City of Amesbury shall adopt the prevailing income limit for all applicants as the income of a single taxpayer not filing as head of household as determined by MGL c. 62 for the senior circuit breaker and shall automatically adopt such income limit changes as may be set under the MGL c. 62 senior circuit breaker program.

AMESBURY CODE

Chapter 421

TRAILERS AND MOBILE STRUCTURES

[HISTORY: Adopted by the Town of Amesbury as Art. 23 of the 1990 Bylaws. Amendments noted where applicable.]

§ 421-1. Occupancy restricted.⁶⁵

No person shall occupy a trailer or other structure designed to be mobile, whether or not permanent additions are planned or constructed, for dwelling or business purposes within the Town of Amesbury with the following exceptions:

- A. The Building Commissioner may issue a permit to an owner of land who may thereupon permit the use of a trailer or mobile structure as a dwelling on his land by a nonpaying guest for a period not exceeding 30 days in any calendar year.
- B. The Building Commissioner may issue a permit for the use of a trailer or mobile structure as a temporary office incidental to construction on or development of the land on which the trailer or mobile structure is to be located. Such permit shall be valid for a period of six months and shall be renewable for additional six-month periods at the discretion of the Board of Selectmen.
- C. The Building Commissioner may issue a permit for occupancy of a trailer or mobile structure on land on which the permanent dwelling has been destroyed by fire, flood, or other disasters. Such permit shall run until the permanent dwelling has been rebuilt, but not for more than one year.
- D. The Building Commissioner may issue a permit to a resident of the City to occupy a camping trailer on land owned by the resident for a period not exceeding three months.

§ 421-2. Existing structures.⁶⁶

No structure existing in the Town of Amesbury on the date of original passage of this chapter in 1990 shall be in any way affected by the provisions thereof.

§ 421-3. Violations and penalties.⁶⁷

Any persons violating the provisions of § 421-1 of this chapter shall be punished by a fine of \$20. Each 24 hours of illegal occupancy shall be regarded as a separate violation.

65. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

66. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

67. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

TREES

Chapter 427

TREES

[HISTORY: Adopted by the Town of Amesbury as Art. 46 of the 1990 Bylaws; amended in its entirety 12-13-2016 by Bill No. 2016-103. Subsequent amendments noted where applicable.]

§ 427-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES — Trees not considered "street trees" or "shade trees" (as defined by this section) in public parks having individual names and in all areas owned by the City.

SHADE TREES — All trees within the City which are considered public shade trees as defined within MGL c. 87, § 1.

STREET TREES — Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all public streets, avenues, or ways owned by the City.

§ 427-2. Applicability of Massachusetts General Law.

- A. Except as otherwise provided in this chapter, and except as may otherwise be provided by state and federal statutes and regulations, the provisions of MGL c. 87 shall govern the care of all park trees, street trees, and shade trees within the City.
- B. Nothing in this section shall be construed to negate, supersede, or otherwise affect any applicable responsibilities, duties, or interests related to any trees meeting the definitions set forth in the preceding section, as may be prescribed to other public entities by law, regulation, or ordinance.

§ 427-3. Tree Warden.

The City shall appoint a Tree Warden who shall serve in accordance with MGL c. 87.

§ 427-4. Distance from street corners and fire hydrants.

No street trees shall be planted closer than 20 feet to any corner, measured from the point of the nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet to any fire hydrant.

§ 427-5. Pruning; corner clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§ 427-6. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 427-7. Notification of private property owners.

Prior to taking any action on any trees located on private property, the City will notify the owner by certified mail at least seven days in advance, with the exception of emergencies.

§ 427-8. Violations and penalties.

Any person violating any provision of this chapter shall be punishable pursuant to Chapter 1, Article I, of this Code. The first offense shall be a fine of \$100, the second offense a fine of \$200 and the third and all subsequent offenses shall be a fine of \$300. Each day shall constitute a new offense.

UTILITIES

Chapter 433

UTILITIES

**[HISTORY: Adopted by the City Council of the City of Amesbury as indicated in article histories.
Amendments noted where applicable.]**

ARTICLE I
Gas Utility Installations and Maintenance Work
[Adopted 9-14-2021 by Bill No. 2021-104]

§ 433-1. Maintenance of membership in DigSafe program.

The City shall maintain membership in the DigSafe program (or its successor) so that City shall be properly notified of any planned excavations on or near public property and infrastructure.

§ 433-2. Permit required.

At any time that there is a planned excavation or gas hookup the Natural Gas Public Utility shall be required to receive a permit from the City that confirms that work is being performed by regular employees of the public utility or by properly licensed contractors who are in compliance with state Department of Public Utilities rules and not under investigation.

§ 433-3. Management of nonemergency work during moratorium.

- A. In the event that the Mayor, in coordination with the City Council, or commonwealth has issued a moratorium on any utility to perform gas hookups, the City shall have a procedure in place to provide relief for nonemergency work and installations;
- B. In this case, the City's Department of Inspectional Services will issue permits according to the following qualifications and criteria:
 - (1) New, nonemergency gasline work will be allowed during a moratorium on a case-by-case basis following a process and criteria only when and where the Mayor, DPW Director, Inspectional Services Director, and Fire Chief are first satisfied that safe gas work services can be provided, and sufficient evidence is presented by individuals or entities seeking relief to the Mayor, DPW and Fire Chief to satisfy the following criteria:
 - (a) Qualifications and criteria.
 - [1] Nonemergency permits will not be issued unless and until the Department of Inspectional Services can verify that necessary and appropriate licenses and certifications for such work are held by each of those persons performing installations, connections, inspections, or other project services; furthermore
 - [2] Such contractors or entities are verified not to be under investigation for noncompliance with the state DPU; and further.
 - [3] That work be performed under state law, particularly in regards to DPU inspection.
 - (b) Nonemergency permits shall only be issued in those circumstances where a permit seeker can demonstrate substantial harm to their health and safety or livelihood by further delays in permit issuance.
 - (2) Conditions on approval.
 - (a) A nonemergency permit seeker must agree to indemnify and hold the City of Amesbury harmless from any and all damages which could arise from the grant of a permit during the current or future moratorium periods.

- (b) The grant of permit is not a guarantee that National Grid, its successors and/or assigns or contractors will in fact perform the work.
- (c) All approvals are subject to the City having sufficient resources to verify the credentials and certifications of National Grid workers and contractors providing services.
- (d) All permits provided during the moratorium will be listed and made for public inspection. The City's Department of Inspectional Services shall inform the City Council of such permits being issued.

VEHICLES AND TRAFFIC

Chapter 439

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town of Amesbury as indicated in Part histories. Amendments noted where applicable.]

Part 1
Unregistered Vehicles

[Adopted As Art. 22 Of The 1990 Bylaws; Amended In Its Entirety 7-13-2010 By Bill No. 2010-057]

ARTICLE I
Outside Storage

§ 439-1. Outside storage limited.

Unless authorized by the Building Commissioner in writing, not more than one unregistered and ungaraged motor vehicle shall be placed or allowed to remain on any lot in the City of Amesbury; however, this section shall not be applicable to any lot whereon it is established that the business involves the authorized sale or repair of motor vehicles.

§ 439-2. Violations and penalties.

Any person who has so placed a vehicle or who, as owner of the lot, has permitted it to be placed with his knowledge and/or consent and who does not remove said vehicle within a time specified in a written notice from the Building Commissioner shall have committed an offense under this article and shall be punished by a fine of \$200. Each twenty-four-hour period during which the vehicle remains on said lot after the time specified for its removal shall constitute a separate offense.

Part 2
Motorized Vehicles

[Adopted As Art. 28 Of The 1990 Bylaws; Amended 5-13-1996 By Art. 19; 5-14-2002 By Bill No. 2002-025]

ARTICLE II
Use on City Property

§ 439-3. Use on City property prohibited; exception for snowmobiles at Woodsom's Farm. [Amended 7-13-2010 by Bill No. 2010-057]

All motorized vehicles are prohibited from traveling on or within properties owned by the City of Amesbury, except that residents shall be allowed to operate snowmobiles at Woodsom's Farm under the following terms and conditions:

- A. The Parks and Recreation Committee will predesignate the areas and establish trails;
- B. The Municipal Council will establish a registration program for snowmobiles which includes a liability waiver for the City;
- C. Snowmobiles may not use Woodsom's Farm after 10:00 p.m.;
- D. Snowmobilers must be Amesbury residents and have Amesbury-registered vehicles; and
- E. The Parks and Recreation Committee shall conduct hearings to formulate and issue regulations.

§ 439-4. Definition.

"Motorized vehicles" shall include, but not be limited to, the following: automobiles, trucks, trail bikes, motorcycles, snowmobiles, all-terrain vehicles and three wheelers.

§ 439-5. Violations and penalties.

Violations of this article shall be punishable by a fine of \$200 for each offense.

§ 439-6. Exceptions.

The provisions of this article shall not apply to surface waters of the City of Amesbury or areas designated for the use of parking lots or access roads. Furthermore, this article shall not prohibit the City from utilizing motorized vehicles for maintenance and emergency purposes or other purposes deemed to be in the best interest of the area in question.

Part 3
Traffic And Parking

[Adopted 11-9-1999 By Bill No. 99-136; Amended In Its Entirety 12-8-2015 By Bill No. 2015-077]

ARTICLE III
Preamble

§ 439-7. Statutory authority.

The Traffic and Transportation Commission of the City of Amesbury, acting by virtue of the power given to it by c. 40, § 22, of the General Laws of Massachusetts, and by virtue of any other power it hereto enabling, hereby adopts and makes the rules and orders for the regulation of carriages and vehicles used in the said City for regulating traffic upon the streets and highways of said City of Amesbury, insofar as the said rules and orders or any of them are the same as the regulations, rules and orders now in force they shall be deemed to be a continuation thereof.

ARTICLE IV Definitions

§ 439-8. Terms defined. [Amended 11-26-2024 by Bill No. 2024-148]

For the purpose of this Part, the words and phrases used herein shall have the following meanings:

BUS STOP — An area in the roadway set aside for the boarding of or alighting from buses.

CROSSWALK — That portion of a roadway ordinarily included within intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other marking or signs.

CURB MARKING, OFFICIAL — That portion of a curbing, the painting of which has been authorized by the Municipal Council, in compliance with statute and regulations.

EMERGENCY VEHICLE — Vehicles of the Fire Department, police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to an emergency.

FUNERAL PROCESSION — Any procession of mourners properly identified as such accompanying the remains of a human body.

HANDICAP RAMP — A means of egress located in the sidewalk with a sloped surface leading to the roadway.

INTERSECTION — The area embraced within the extensions of the lateral curblines or, if none, then the lateral boundary lines, of intersecting ways as defined in c. 90, § 1, of the General Laws, including divided ways. The rules and regulations herein contained governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an intersection as herein defined. (App. MA DPW 1-5-78)

LANE — A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles. A lane shall consist of 12 feet in width.

LOADING ZONE — A designated area in the roadway set aside for the accommodation of commercial and transient vehicular traffic actively engaged in the loading and unloading of goods and equipment (clearly designated as a service vehicle) (temporary/short term).

MHD — Massachusetts Highway Department.

OFFICER — Any sworn officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

PARKING — The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

PARKING LOTS, MUNICIPAL —

A. Upper Millyard Parking Lot. Shall include all parking within the following City owned parcels:

- (1) 53-275, 11 Friend Street #RR.
- (2) 53-253, 25 Friend Street.
- (3) 53-268, 27 Friend Street.

- (4) 53-258, 7 Hamilton Court.
- (5) 52-191, Hamilton Court.
- (6) All Parking, not listed above, off of Hamilton Court.
- B. Lower Millyard Parking Lot. Shall include all parking within the following City owned parcels:
 - (1) 53-135, Water Street.
 - (2) 53-109, 10 Water Street.
- C. Secured Police Parking Lot.
 - (1) 52-195a, 64 Friend Street.
 - (2) 52-196, 17 School Street.
- D. School Street Parking Lot (Between Library and FD).
 - (1) 52-199, 13 School Street.
- E. City Hall Parking Lot. Shall include all parking within the following City owned parcels:
 - (1) 52-193, 54 Friend Street.
- F. Lake Gardner Parking Lot. Shall include all parking within the following City owned parcels:
 - (1) 39-2, 79 High Street.
- G. Washington Landing Parking Lot. Shall include all parking within the following City owned parcels:
 - (1) 88-2, 18 Merrimac Street.

PEDESTRIAN — Any person afoot or riding on a conveyance moved by human muscular power, except bicycles or tricycles, as defined in c. 90, § 18A (General Laws).

PERSON — Includes any individual, firm, copartnership, association or corporation.

RAILROAD CROSSING — Any intersection of ways with a railroad right-of-way.

ROADWAY — That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

ROTARY TRAFFIC — The counterclockwise operation of a vehicle around an object or structure.

SAFETY ZONE — Any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, having the written approval of the Massachusetts Highway Department, where required by statute or regulation.

SERVICE ZONE — A designated area set aside for temporary or short-term accommodation of a clearly marked commercial vehicle engaged in servicing an adjacent facility.

SIDEWALK — That portion of a street, highway, off-street parking area controlled by the city, set aside for pedestrian travel.

STREET MARKING, OFFICIAL — Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Municipal Council and which has the written approval of the MHD, where required by statute or

regulation.

STREET, HIGHWAY, OR ROAD — The entire width between property lines of every way open to the use of the public for the purposes of travel.

TAXICAB STANDS — A designated area in the roadway in which certain taxicabs are authorized and required to park while waiting to be engaged.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances either singly or together while using any street or highway for the purpose of travel.

TRAFFIC CONTROL AREA — Any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic control signals or signs, devices or appurtenances.

TRAFFIC CONTROL SIGNAL — Any device using colored lights which conforms to the standards as prescribed by the MHD, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

TRAFFIC ISLAND — Any area or space set aside within a roadway, which is not intended for use by vehicular traffic.

TRAFFIC SIGNALS, OFFICIAL — All signals, conforming to the standards as prescribed by the MHD, not inconsistent with these rules and orders, placed or erected by authority of the Traffic and Transportation Commission or police officer having jurisdiction. For the purpose of directing or warning traffic.

TRAFFIC SIGNS, OFFICIAL — All signs, markings and devices, other than signals, not inconsistent with these rules and orders, and which conform to the standards prescribed by the MHD and placed or erected by the traffic and Transportation Commission or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

U-TURN — The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

VEHICLE, COMMERCIAL — Any vehicle being used in the transportation of goods, wares or merchandise for commercial purposes.

VEHICLE, HEAVY COMMERCIAL — Any commercial vehicle of over two-and-one-half-ton capacity.

ARTICLE V
Authority and Duties of Police

§ 439-9. Directing of traffic.

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules and orders, provided that, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of these rules and orders.

§ 439-10. Temporary closure of streets.

The Chief of Police or his designee is hereby authorized to close temporarily any street or highway in an impending or existing emergency, construction, lawful assemblage, demonstration or procession.

§ 439-11. Temporary prohibition of parking.

The Chief of Police or his designee is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency; or for a lawful assemblage, demonstration or procession; or for construction or repairs for up to 30 days, provided there is a reasonable justification of the closing of such street. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

§ 439-12. Road details.

The Chief of Police shall make the final determination for private duty detail officers in the event of any construction, repair or maintenance in, upon, or adjacent to any street or highway.

§ 439-13. Exemptions.

The provisions of these rules and orders shall not apply to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

ARTICLE VI
Traffic Signs, Signals, Markings and Zones

§ 439-14. Location of bus stops, taxicab stands and service zones.

The location of all bus stops, taxicab stands and service zones shall be specified by the Municipal Council and, in the case of taxicab stands, the Chief of Police with the approval of the Municipal Council, shall designate who may use them as such.

§ 439-15. Interference with signs, signals and markings prohibited.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic signs, signals or marking shall be liable to a penalty of \$200 for each and every offense.

§ 439-16. Obedience to traffic signs, signals and markings.

No driver of any vehicle or of any streetcar shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend unless otherwise directed by a police officer or shall be liable to a penalty of \$50 for each and every offense.

§ 439-17. Traffic signs and signals.

- A. The Director of Public Works is hereby authorized, and as to those signs and signals required hereunder it shall be his duty, to install, remove and maintain all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the MHD.
- B. Sections 439-10 and 439-11 of Article V, and §§ 439-22 and 439-23 and §§ 439-26 to 439-30 inclusive of Article VIII relating to parking and §§ 439-40 and 439-43 of Article X concerning turning movements and § 439-53 of Article X pertaining to exclusion shall be effective only during such time as official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.
- C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at the entrance and each of the exits for each one-way street, so that at least one sign will be clearly visible for a distance of at least 75 feet to drivers approaching such an exit.

§ 439-18. Display of unauthorized signs, signals and markings prohibited.

No person or corporation shall place, maintain or display upon or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device and shall be liable to a penalty of \$100 for each and every offense. The Chief of Police or his designee is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

§ 439-19. Experimental regulation.

For the purpose of trial the Traffic and Transportation Commission may make temporary rules regulating traffic, or test under actual conditions traffic signs, markings, or other devices. No such experimental rules

relating to traffic shall remain in effect for a period longer than 30 days.

ARTICLE VII
Zones of Quiet

§ 439-20. Designation of zones; prohibited acts.

- A. All of the territory within 200 feet of the premises of each medical facility or other equally appropriate facility designated by the Traffic and Transportation Commission in this city is hereby created and established as a zone of quiet. The Chief of Police or his designee is hereby authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a zone of quiet.
- B. The Traffic and Transportation Commission may temporarily establish a zone of quiet upon any street where a person is seriously ill, if requested of at least two registered physicians certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of 200 feet of the building occupied by the person named in the request of said physicians. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- C. Prohibited acts.
 - (1) No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle except in an emergency.
 - (2) No person shall play a radio or other audio device so as to be heard outside of the vehicle when the windows are open.
 - (3) No person shall make a harsh or objectionable noise within the zone of quiet.

ARTICLE VIII
Stopping, Standing and Parking

§ 439-21. General prohibitions. [Amended 11-26-2024 by Bill No. 2024-142]

No person shall stand or park and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way, highway, road or parkway under the control of the City of Amesbury in violation of any of the Traffic Rules or Orders adopted by the Municipal Council and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

- A. Within an intersection.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.
- E. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within 12 inches from the curb or edge of the roadway, but not on said curb or edge of roadway, except upon those streets that are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within 12 inches from the curb, but not on said curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least 12 feet wide for passing traffic.
- G. Upon any street or highway within 10 feet of a fire hydrant.
- H. In front of or within five feet of the lateral edges of a private road or driveway.
- I. Upon any street or highway within 20 feet of an intersecting way, except alleys.
- J. Within 15 feet of the wall of a fire station or directly across the street from such fire station provided signs are erected acquainting the driver of such restriction.
- K. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic, including pedestrian turnouts in the Central Business District.
- L. Within 25 feet of the nearest rail of a railroad crossing when there are no gates at such crossing, or otherwise within five feet from the gate.
- M. On a bridge or boat ramp and the approach thereto.

§ 439-22. Service and loading zones.

- A. Service and loading zones shall not infringe/obstruct the normal lane or lanes of travel.
- B. No person shall park a vehicle upon any street in any loading zone for a period of time longer than 30 minutes and except while actually engaged in loading or unloading, and no person shall engage in loading or unloading within the Central Business District (CBD) as defined in the City of Amesbury Zoning Bylaw during any restricted hours established by the Municipal Council and incorporated by

reference in this document.

- C. No person shall park a vehicle in any service zone within the Central Business District (CBD) as defined in the City of Amesbury Zoning Bylaw except while actually engaged in providing a repair service. Service vehicle must be clearly marked as a service vehicle and the location where service is being provided must be clearly identifiable from outside of the vehicle.
- D. Violation of any part of this section shall be liable to a penalty of \$100 for each and every offense.

§ 439-23. Diagonal parking.

- A. The Traffic and Transportation Commission shall determine the street upon which diagonal parking will be permitted and shall cause said streets to be designated by signs and the surfaces thereof to be marked as directed by the Chief of Police.
- B. Where such diagonal parking is permitted, vehicles shall be parked with one wheel within 12 inches of the curb and at the angle to the curb indicated by official marks and signs. The vehicle shall be parked so that all four wheels thereof shall be placed wholly within the area indicated for parking, and headed to the curb.

§ 439-24. Parking vehicle for sale prohibited.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

§ 439-25. Snow emergency parking ban. [Amended 10-15-2019 by Bill No. 2019-074]

No person shall allow, permit, or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on any street during a declared snow emergency.

§ 439-26. Parking location and prohibitions.

Parking is prohibited, restricted or limited as to time, space and streets in accordance with a schedule of streets designated as Schedule No. I,⁶⁸ hereto appended to which reference is made, and which Schedule No. I is specifically incorporated in this section. No. operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule No. I, except as otherwise provided in this schedule, or where there is a time limit as to parking.

§ 439-27. Pedestrian mall designation.

No person shall operate, push, tow or park a motor vehicle, motorized bicycle or other nonpowered recreational device including skateboards, roller skates and similar devices within a designated pedestrian mall area. Recreational sport such as ball playing and similar activity shall also be prohibited.

- A. All public property and property controlled by easement in the Millyard Park as bounded by Main Street, High Street, Pond Street and City of Amesbury municipal lot shall be a designated pedestrian mall area.
- B. Within the mall area there shall be an emergency access lane from Main Street to a distance 386 feet into the Millyard. Any vehicle parked or stopped on the access lane shall be ticketed and towed under the direction of a police officer.

68. Editor's Note: See § 439-86, Schedule I: Parking.

- C. Within the mall area there shall be a service zone from High Street to a distance of 165 feet into the mall area. The express purpose of this zone is for delivery and pickup service to the Millyard businesses and there shall be no parking in this area. Maximum time for service delivery shall be within the limits as defined in § 439-22.
- D. Prohibited at safety zones. No person shall park a vehicle within 20 feet of either end of a safety zone, which is located within 30 feet of the curb or edge of the roadway.

§ 439-28. Bus stops.

- A. No person shall stop or park a vehicle other than a bus in a bus stop (Schedule II⁶⁹).
- B. No person shall park a bus upon any street within a business district at any place other than a bus stop when a nearby bus stop is available for use.

§ 439-29. Taxicab stands.

- A. No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand (Schedule II⁷⁰).
- B. No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs.

§ 439-30. Historic site and museum district parking.

- A. The Traffic and Transportation Commission may, upon request of any bona fide museum or upon request of the Amesbury Historical Commission, designate no more than two parking spaces on any public way adjacent to a museum or historic site for use by visitors to the museum or historic site.
- B. The museum/historic site parking spaces shall be restricted to museum or historic site visitors' use during the months of May through October and during the hours of 10:00 a.m. to 4:00 p.m.
- C. The parking space(s) shall be so designated by a traffic sign approved by the Traffic Commission and purchased and installed at the expense of the requestor.

§ 439-31. Wedding/funeral parking.

- A. Every house of worship in the City of Amesbury may request that the Traffic Commission designate up to four parking spaces on any adjacent way to the house of worship for wedding/funeral parking.
- B. These spaces shall be so designated by a traffic sign approved by the Traffic Commission and purchased and installed at the expense of the house of worship. The house of worship may use temporary signage to designate said space(s), provided said temporary signage is approved by the Traffic and Transportation Commission.
- C. The house of worship shall notify the Police Department at least 24 hours in advance of a wedding or funeral that the spaces will be needed for said wedding or funeral, and shall also place notification on any vehicles then occupying the spaces. The notification shall clearly designate the date and time for which said spaces shall be reserved for wedding or funeral parking.

69. Editor's Note: See § 439-87, Schedule II: Handicapped Parking; Bus Stops; Taxi Stands.

70. Editor's Note: See § 439-87, Schedule II: Handicapped Parking; Bus Stops; Taxi Stands.

§ 439-31.1. Emergency access lanes (fire lanes). [Added 11-26-2024 by Bill No. 2024-143]

- A. It shall be unlawful to leave any motor vehicle within the limits of any public or private way furnishing means of access for any fire apparatus, ambulance or police vehicle to any building which has a clearly marked emergency access lane (fire lane).
- B. No person shall obstruct or park a motor vehicle in any emergency access lane (fire lane). The Chief of the Fire Department or the Chief of the Police Department or their designee shall have the discretion to establish emergency access lanes (fire lanes) on commercial or public property which shall be identified as such by the posting of either signs or pavement markings as reflected in the "Manual of Uniform Traffic Control Devices" as most recently amended.
- C. The penalties for violators of the ordinance will be enforced through the "City of Amesbury Traffic and Parking regulations" for the purpose of ticketing, assessing fines and the towing of motor vehicles.
- D. If any vehicle is found in violation of the provisions of this bylaw and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

ARTICLE IX
One-Way Streets

§ 439-32. One-way streets.

The streets or portions thereof designated in Schedule III⁷¹ hereto appended and specifically incorporated in this section are declared to be one-way streets and all vehicular traffic shall move on those streets or portions thereof in the direction designated in said Schedule III.

§ 439-33. Rotary traffic.

Within the area set forth below vehicular traffic shall move only in a rotary counterclockwise direction except when otherwise directed by an officer:

- A. Market square.
- B. Friend Street and School Street intersection.

71. Editor's Note: See § 439-88, Schedule III: One-Way Streets.

ARTICLE X
Operation of Vehicles⁷²

§ 439-34. Overtake only when there is space ahead.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safety operation of any vehicle ahead.

§ 439-35. Driver to give way to overtaking vehicle.

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and visible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 439-36. Obstructing traffic.

- A. No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.
- B. No driver shall enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

§ 439-37. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

§ 439-38. Clinging to moving vehicles.

It shall be unlawful for any person traveling upon a bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to, or attach himself or his vehicle to, any moving vehicle or streetcar upon any roadway.

§ 439-39. Care in starting, stopping, turning or backing.

- A. The driver of any vehicle before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such movement.
- B. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal as required by statute law.

72. Editor's Note: MGL Chapter 89 governs.

§ 439-40. Prohibited and mandatory turning movements.

No person shall operate a vehicle contrary to any mandatory posted turning sign, signal or marker.

§ 439-41. Emerging from alley or private driveway.

The operator of a vehicle emerging from an alley, driveway or a garage shall stop such vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across the alleyway or driveway.

§ 439-42. Obedience to traffic control signals.

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic-regulating sign (other than a stop sign), signal or device or except as provided in § 439-51B of these rules. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection, regardless of what indications may be given by traffic control signals.

A. Green indications shall have the following meanings:

- (1) Drivers facing a circular green may proceed straight through or turn right or left unless as sign at such place prohibits either such turn. But drivers turning right or left shall yield the right-of-way to other vehicles, and to pedestrians lawfully within the intersection or an adjacent crosswalk, at the time such signal is exhibited.
- (2) Drivers facing a green arrow, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

B. Steady yellow indications shall have the following meanings:

- (1) Drivers facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when drivers shall not enter the intersection.

C. Steady red indications shall have the following meanings:

- (1) Drivers facing a steady circular red or steady red arrow signal, and "no turn on red" sign shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in Subsection C(2) below.
- (2) When no sign is in place prohibiting a right turn or a left turn from a one-way street to another one-way street, drivers facing a steady circular red or steady red arrow signal may cautiously enter the intersection to make the right turn or left turn from a one-way street to another one-way street, after stopping as provided in Subsection C(1) above. Such drivers shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

D. Flashing signal indication shall have the following meanings:

- (1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the drivers have a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the provisions of c. 89, § 8, of the General Laws.
- (2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.
- (3) Flashing yellow arrow.
 - (a) Vehicular traffic, on an approach to an intersection facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a U-turn, shall yield the right-of-way to:
 - [1] Pedestrians lawfully within an associated crosswalk; and
 - [2] Other vehicles lawfully within the intersection.
 - (b) In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

§ 439-43. U-turns prohibited.

No operator shall back or turn a vehicle so as to proceed in the direction opposite to that in which said vehicle is headed or traveling on any street designated as prohibiting such in Schedule I.⁷³

§ 439-44. Stop signs and yield signs.

- A. Stop signs. In accordance with the provisions of c.89, § 9, of the General Laws the following streets are designated as stop streets at the intersection and in the direction indicated in Schedule IV.⁷⁴
- B. Yield signs. In accordance with the provisions of c. 89, § 9, of the General Laws the following streets are designated as yield streets at the intersections and in the direction indicated in Schedule V.⁷⁵
- C. In accordance with the foregoing, the streets listed in Schedules IV and V of these rules and orders are hereby declared to constitute stop, yield or flashing red signal intersections as the case may be, and said Schedules IV and V are hereby specifically incorporated in this section.

§ 439-45. Keep to the right of roadway division.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any

73. Editor's Note: See § 439-86, Schedule I: Parking.

74. Editor's Note: See § 439-89, Schedule IV: Stop Signs.

75. Editor's Note: See § 439-90, Schedule V: Yield Signs.

structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals, or markings.

§ 439-46. Operation of under- or overpasses at intersection with islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings.

§ 439-47. Driving on road surfaces under construction or repair.

No operator shall enter upon a road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface of the street or highway is not to be used or when so advised by an officer, watchman, member of a street or highway crew or employees of the city, either audibly or by signals.

§ 439-48. No driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

§ 439-49. No driving through safety zones.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive the same over or through a safety zone.

§ 439-50. Funerals to be properly identified.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple symbol attached to both the first and last vehicles or other suitable means.

§ 439-51. Right and duties of drivers in funerals or other processions.

- A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as practicable and safe.
- B. At an intersection where a traffic control signal is operating the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red and/or yellow indication.
- C. At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

§ 439-52. Unlawful riding.

It shall be unlawful for any reason to ride on any portion of a vehicle not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty or within truck bodies in space intended for merchandise.

§ 439-53. Operation of heavy commercial vehicles.

- A. The use and operation of heavy commercial vehicles having a carrying capacity of more than 2 1/2 tons are hereby restricted on the following named streets or parts thereof, and in the manner outlined and during the period of time set forth:

- (1) Highland Street from Hillside Avenue to Friend Street.
 - (2) Portsmouth Road/Goss Avenue from Elm Street to Monroe Street.
 - (3) Main Street and Evans Place from Powow Bridge to Deer Island Bridge.
 - (4) Rocky Hill Road from Macy Street to Main Street.
- B. Exemptions. Subsection A of this section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein; or to federal, state, municipal or public service corporation owned vehicles.

§ 439-54. Speed.

- A. No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. Unless a way is otherwise posted in accordance with Massachusetts General Laws c. 90, § 18, it shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid 1) on any other way outside a thickly settled or business district at a rate of speed exceeding 40 miles per hour for a distance of 1/4 a mile, or 2) inside a thickly settled or business district at a rate of speed exceeding 30 miles per hour for a distance of 1/8 of a mile, or 3) within a school zone established by the City as provided by Massachusetts General Laws c. 85, § 2, at a rate of speed exceeding 20 miles per hour. If a speed limit has been duly established upon any way, operation of a motor vehicle at a rate of speed in excess of such a limit shall be prima facie evidence that such speed is greater than reasonable and proper.
- B. Notwithstanding any contrary provisions contained herein, a speed limit of 25 miles per hour shall be in effect for any roadway inside a thickly settled or business district in the City on any way that is not a state highway unless otherwise posted. **[Added 5-12-2021 by Bill No. 2021-048]**

ARTICLE XI
Accident Reports

§ 439-55. Drivers must report accidents.

Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured, or in which there is damage in excess of \$1,000 to any one vehicle or other property, shall report such accident within five days to the Registrar and to the Police Department in accordance with the provisions of c. 90, § 26, of the General Laws.

ARTICLE XII Penalties and Repeals

§ 439-56. Penalties.

- A. Any person violating any provisions of any rule, regulation or order regulating the parking of motor vehicles made by anybody authorized to make the same shall be dealt with as provided in General Laws c. 90, § 20A 1/2, or any acts in amendment thereof, or in addition thereto, and any person violating any of the rules and regulations applicable to state highways made by the Department of Public Works, Commonwealth of Massachusetts, under authority of General Laws c. 85, § 2, and acts in amendment thereof, and in addition thereto, shall be subject to the penalty provided in said rules and regulations.
- B. Any person convicted of a violation of any other rule, regulation or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding \$25 for each offense.

§ 439-57. Repeal.

- A. These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.
- B. All official signs, lights, markings, signal systems or devices erected or installed under prior rules or regulations and necessary to the enforcement of these regulations shall be deemed to have been lawfully erected or installed hereunder, provided the same were erected or installed with the permission and approval of the MHD and insofar as the same are necessary as aforesaid for the enforcement of these regulations they shall be deemed continuing hereunder but in all other respects all prior rules, orders and regulations made by the Traffic and Transportation Commission of the City of Amesbury for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for any offense committed under said prior rules, order or regulations hereby repealed, nor shall said repeal be effective unless and until these rules and regulations have been approved and published as required by law.

§ 439-58. Effect of regulations.

If any section, subsection, sentence, clause or phrase of these rules and order is for any reason unconstitutional such decisions shall not affect the validity of the remaining portion of these rules and orders. The City of Amesbury Traffic and Transportation Commission hereby declares that it would have passed these regulations and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clauses, or phrases is declared unconstitutional.

§ 439-59. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provisions of these rules and regulations and the identity of the driver cannot be determined, the owner or the person in whose name such a vehicle is registered shall be held prima facie responsible for such violations.

ARTICLE XIII
Pedestrian Control Regulations

§ 439-60. Statutory authority.

In accordance with the provisions of c. 90, § 18A of the General Laws and in accordance with the pedestrian control standards of the MHD, the City of Amesbury Traffic and Transportation Commission enacts the following regulations to govern the use of ways by pedestrians.

§ 439-61. Pedestrian crossing ways or roadways.

Pedestrians shall obey the direction of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within 300 feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in these regulations. For the purpose of these regulations, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two solid white twelve-inch pavement markings in rural areas or markings not less than six inches wide in urban areas, said markings or lines being no less than six feet apart.

§ 439-62. Pedestrian actuation.

- A. At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
- B. At a traffic control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in these regulations.

§ 439-63. Pedestrian obedience to traffic control signals.

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

- A. A steady walking person or the word "Walk." Whenever the walking person or the red single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
- B. Red alone steady upraised hand or "Don't Walk." Whenever the steady upraised hand words and the similar "Don't Walk" or indication are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the upraised hand or

phrase "Don't Walk" are illuminated by rapid intermittent flashes.

- C. Green alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
- D. Yellow alone, red alone or flashing upraised hand or "Don't Walk." Pedestrians approaching or facing a yellow, red, or flashing upraised hand or "Don't Walk" illuminated indication shall not start to cross a roadway.
- E. Flashing red, yellow or green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the walking person or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

§ 439-64. Pedestrian crossings and use of roadways.

- A. No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
- B. Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.
- C. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.
- D. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic, which may approach from the opposite direction.
- E. Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by these regulations.
- F. It shall be unlawful for any person to actuate a pedestrian control signal or to enter a marked crosswalk unless a crossing of the roadway is intended.

§ 439-65. Crossing at nonsignalized locations.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.

§ 439-66. Operators to exercise due care.

The revisions of these regulations shall in no way abrogate the provisions of c. 90, §§ 14 and 14A, of the General Laws which provide "precautions for safety of other travelers" and for the "protection of blind persons crossing ways." Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

§ 439-67. Pedestrians soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway.

§ 439-68. Skateboard, inline skaters, roller-skating regulations.

- A. No skateboards, in-line skates or roller skates will be allowed to be used on the sidewalks or other pathways/stairways intended for pedestrian use in the areas of the central business district defined as follows:
- (1) Main Street from Sparhawk Street to Market Street.
 - (2) School Street.
 - (3) Friend Street from School Street to Main Street.
 - (4) Elm Street from Market Square to R Street.
 - (5) Market Street from Boardman Street to and including Market Square.
 - (6) The Millyard, all municipal parking areas, and all city property not designated for this purpose.
 - (7) Heritage Vale and Powow Villa housing developments. Specifically Nayson's Court, Summer Street and all Amesbury Housing Authority Streets and paths adjacent to Powow Villa Units and all public school property.
- B. All in-line skaters and skateboarders will observe the laws of the road as they pertain to motorists/pedestrians in the state and city.
- C. A curfew for the use of said devices shall be set at 10:00 p.m. on weekdays and 11:00 p.m. on weekends on all public ways.

§ 439-69. Exemptions.

The provisions of these rules and regulations governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair; to municipal, state, federal or public service corporation employees while in the performance of their duties; to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

§ 439-70. Penalties.

Any person who violates the provisions of this article, which deal with the proper use of ways by pedestrians, shall be punished as provided in c. 90, § 18A, of the General Laws.

§ 439-71. Effect of regulation.

- A. All existing rules and regulations governing the operation of vehicles or the use of ways by pedestrians, which are inconsistent herewith, are hereby expressly repealed. This repeal shall not, however, affect any punishment or penalty imposed or any complaint or prosecution pending at the time of passage hereof for any offense committed under any of the said rules and regulations hereby

repealed.

- B. If any section, subsection, sentence, clause or phrase of these rules and regulations is for any reason unconstitutional, such decision shall not affect the validity of the remaining portion of these rules and regulations. The Municipal Council of the City of Amesbury hereby declares that they would have passed these rules and regulations and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

ARTICLE XIV
Tow-Away Zone Regulations

§ 439-72. General provisions.

In accordance with the provisions of c. 40, § 22D, of the General Laws, the City of Amesbury Traffic and Transportation Commission hereby enacts the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such manner or in such areas as are hereinafter described on any way under the control of the City of Amesbury. Vehicles specifically exempt by c. 40, § 22D, shall not, however, be subject to such removal.

§ 439-73. Authorization of police.

The moving or towing of any vehicle under the provisions of this article shall be by and at the direction of the Chief of Police or such other officer(s) of the rank of Sergeant or higher as he may from time to time designate.

§ 439-74. Fees.

The Municipal Council hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this article, the following fees:

- A. Removal or towing fee not to exceed that which is provided in or as authorized by statute.
- B. Storage fees. Not to exceed that which is provided in or as authorized by statute law.

§ 439-75. Liability for damage during removal or storage.

The contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

§ 439-76. General prohibition towing zones. [Amended 11-26-2024 by Bill No. 2024-143]

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places. Vehicles found in violation of the provisions of this section except those specifically exempt by law shall be removed to a convenient place under the direction of an officer of the Police Department and the owner of the vehicle so removed or towed away shall be liable to the cost of such removal and storage, if any, as set forth in § 439-74 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in c. 90, § 20A 1/2 of the General Laws.

- A. Upon any way in such a manner as to impede the removal or plowing of snow or ice, except vehicles parked in accordance with approved regulations governing all-night parking.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon any way within 20 feet of an intersecting way except alleys.
- E. Upon a way within 10 feet of a fire hydrant.
- F. On a roadway side of any vehicle stopped or parked at the edge or curb of the way.

- G. In front of a public or private driveway, or loading zone.
- H. Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least 10 feet wide for passing traffic.
- I. Within a handicapped parking space without proper validation.
- J. Upon any designated emergency access lane (fire lane).

§ 439-77. Parking prohibitions for towing zones.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways or parts of ways hereinafter described and during the periods of time set forth. Vehicles found in violation of the provisions of this section, except those specifically exempted by law, shall be removed to a convenient place under the direction of an officer of the Police Department, and the owner of the vehicle so removed, or towed away, shall be liable to the cost of such removal and storage, if any, as set forth in § 439-74 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in c. 90, § 20A 1/2, of the General Laws.

- A. In any bus stop.
- B. Within Millyard Park as defined in Article VIII, §§ 439-27A through C, inclusive.
- C. Upon or blocking access to any public boat ramp.
- D. Upon city property where motor vehicles are excluded.
- E. In any city parking lot in violation of restrictions established in Schedule I.⁷⁶

§ 439-78. Official traffic signs.

The provisions of § 439-77 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-away zone" are installed, erected, maintained and located so as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of parking prohibition signs.

§ 439-79. Police to keep record of towed vehicles.

The Police Department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one year and shall contain the following information:

- A. The registration of the vehicle.
- B. The location from which it was towed and time and date of tow order.
- C. The location to which it was moved.
- D. Name of towing contractor.
- E. Name and rank of officer who authorized towing.

⁷⁶. Editor's Note: See § 439-86, Schedule I: Parking.

ARTICLE XV
(Reserved)⁷⁷

§ 439-80. through § 439-84. (Reserved)

77. Editor's Note: Former Article XV, Authority and Duties of Traffic and Transportation Commission, as amended by Bill No. 2015-081, was repealed 4-25-2023 by Bill No. 2022-181.

ARTICLE XVI
Penalties and Fines Schedule

§ 439-85. Violations and penalties. [Amended 11-26-2024 by Bill No. 2024-143]

- A. Whoever violates any provision of these regulations may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be \$300.
- B. Whoever violates any provision of these regulations, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in Massachusetts General Laws c. 40, § 21D, and Chapter 1, Article I, Construction and Penalties, of the City Code of Ordinances. For purpose of noncriminal disposition the penalty for a violation for which a specific penalty has not otherwise been provided shall be \$25.
- C. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following regulations are to be included within the scope of this subsection. That the specific penalty listed here shall apply in such cases and that police officers, who in all cases shall be considered enforcing persons for the purposes of this provision, and each day on which any violation exists shall be deemed to be separate offense:

Penalty	Regulation
\$200	Interference, removal or defacing of traffic signs
\$100	Illegally parking in a handicap space Blocking wheelchair ramp Parking in a fire lane Parking within 10 feet of a fire hydrant Illegal parking in a service or loading zone Parking in an emergency access lane (fire lane)
\$50	Parking within 20 feet of intersection Parking on a crosswalk or sidewalk Parking on street during a winter parking ban Driving on sidewalks Obedience to signs
\$25	Parking in a no-parking zone Double parking Parking in a bus stop or taxi stand Parking in front of a driveway Parking over posted limit Parking in a restricted area

- D. Any person convicted of a violation of § 439-68 shall be punishable by a fine of \$25 and/or community service for each offense. Any violators of this section who are unable to properly identify themselves to a police officer at the time of the offense may have their skateboard, rollerblades or roller skates confiscated by the police until such time as the party is able to provide proper identification to police.

ARTICLE XVII
Traffic Schedules

§ 439-86. Schedule I: Parking. [Amended 9-28-2022 by Bill No. 2022-059; 12-5-2023 by Bill No. 2023-100; 12-26-2023 by Bill No. 2023-129; 11-26-2024 by Bill No. 2024-140; 11-26-2024 by Bill No. 2024-141]

A. Parking prohibited at all times. Parking shall be prohibited at all times as follows:

Location	Street Side	From	To	Remarks
Allens Court	West	Friend Street	End	
Aubin Street	East	Main Street	Valley Street	
Aubin Street	West	Main Street	200 feet south	
Birchmeadow Road	South	Kimball Road	Merrimac Line	
Boardman Street	South	Market Street	R Street	
Cleveland Street	North	Main Street	60 feet east of Main Street	
Collins Avenue	North	Madison Street	130 feet west of Madison Street	Appr. 8-13-1998
Congress Street	North	Elm Street	Green Street	
Elm Street	North	50 feet east of Rowells Court	188 feet east of Rowells Court	
Elm Street	South	Water Street	111 feet east of Water Street	
Elm Street	South	Washington Street	67 feet east of Chestnut Street	
Elm Street	South	Railroad Avenue	Rich's Court	
Elm Street	North	86 feet west of Congress Street	310 feet west of Congress Street	
Elm Street	North	Clark Street	Opposite Rich's Court	
Friend Street	North	Main Street	40 feet west of Main Street	
Friend Street	South	Main Street	40 feet north of Main Street	
Friend Street	North	Allens Court	Davis Court	
Friend Street	South	School Street		

Location	Street Side	From	To	Remarks
Friend Street	South	Greenleaf Street	300 feet east of Greenleaf Street	
Friend Street	North	Whitehall Road	250 feet west of Whitehall Road	
Friend Street	North	Whitehall Road	Keyser Way	
Green Street	West	Albion Street	Congress Street	
Green Street	East	Congress Street	Albion Street	Appr. 3-11-1998
Greenleaf Street	East	Sparhawk Street	100 feet north of Sparhawk Street	
Greenleaf Street	East	Hillside Avenue	110 feet north of Hillside Avenue	Right Turn Leg
Market Square	West	Market Street	Millyard Entrance	
High Street	South	Market Square	Powow Street	
High Street	South	Pond Street	Whitehall Road	
High Street	North	Market Square	Powow Street	
Huntington Square	All Sides	Josiah Bartlett	Entire Park	Library Park
Lake Street	South	#22	Powow Street	
Lake Attitash Road	North	Kimball Road	Merrimac Line	
Main Street	East	Kendricks Court	100 feet north of Macy Street	
Main Street	West	Kendricks Court	80 feet north of Macy Street	
Main Street	North	Powow River Bridge	Cleveland Street	
Main Street	South	Merrimac Essex Bridge	676 feet east of Powow River Bridge	
Main Street	West	Sparhawk Street	180 feet south of Sparhawk Street	
Main Street	East	Station #74 and #30	Station #71 and #35	
Main Street	West	Friend Street	40 feet north of Friend Street	
Main Street	East	Friend Street	50 feet south of Friend Street	

Location	Street Side	From	To	Remarks
Main Street	West	#182	Carpenter Street	
Main Street	East	Mill Street	100 feet South	Appr. 8-13-1998
Market Street	East	Market Square	Clark Street	
Market Street	West	Market Square	55 feet north of Market Square	
Merrimac Street	South	Main Street	Beacon Street	
Merrimac Street	North	Main Street	Beacon Street 20 feet west of T.P. Driveway	
Mill Street	North	Main Street	20 feet east of M.E. Gate	
Monroe Street	East	Elm Street	80 feet north of Elm Street	
Monroe Street	West	Elm Street	90 feet north of Elm Street	
Morrill Place	South	Main Street	Goddard Avenue	
Oak Street	East	Elm Street	Railroad Bridge	
Oakland Street	South	Oak Street	74 feet north of Marston Street	
Pleasant Street	North	School Street	Picard Street	
Pleasant Street	South	School Street	Picard Street	
Pleasant Valley	North	Beacon Street	90 feet west of Goodwin's Creek	Appr. 7-14-1998
Pleasant Valley	North	170 feet west of Goodwin's Creek	1,000 feet west of Goodwin's Creek	Appr. 7-14-1998
Pond Street	East	High Street	Friend Street	
School Street	West	Sparhawk Street	60 feet north of Sparhawk Street	Appr. 8-13-1998
School Street	West	Pleasant Street	87 feet north of Pleasant Street	
School Street	East	Main Street	160 feet north of Main Street	Appr. 8-13-1998

Location	Street Side	From	To	Remarks
Sparhawk Street	North	Larnards Court	260 feet west of Larnards Court	
Spring Street	North	Elm Street	Green Street	
Trues Court	North	Congress Street	Huntington Avenue	Appr. 3-11-1997 School Hours
Water Street	East	Elm Street	County Bridge	
Whitehall Road	West	Friend Street	100 feet of North Friend Street	
Whitehall Road	East	Friend Street	140 feet north of Friend Street	
Whitehall Road	East	Garfield Street	High Street	

- B. Three-hour parking. No person shall park a vehicle for a period longer than three hours between the hours of 8:00 a.m. and 6:00 p.m. on any streets or parts thereof, designated in this section on any day except Sundays.

Location	Street Side	From	To	Remarks
Elm Street	North	Rowells Court	50 feet east of Rowells Court	
Elm Street	North	188 feet east of Rowells Court	248 feet east	
Elm Street	South	111 feet east of Water Street	Railroad Avenue	
Friend Street	North	Main Street	Pond Street	
Friend Street	South	Main Street	20 feet east of CITY Hall and Police Driveway	
Main Street	East	Mill Street	Sparhawk Street	
Main Street	West	Friend Street	School Street	
Main Street	West	32 feet north of Friend Street	188 feet north of Friend Street	
Main Street	East	Mill Street	190 feet north of Mill Street	
Market Square	East	Millyard Turnout	123 feet north of Elm Street	
Market Square	North	Market Street	Rowells Court	
Market Street	West	55 feet north of High Street	569 feet north of North Street	

Location	Street Side	From	To	Remarks
School Street	East	Friend Street	87 feet north of Pleasant Street	
School Street	West	Pleasant Street	140 feet north of Sparhawk Street	
Water Street	West	Elm Street	276 feet south of Elm Street	
Upper Millyard Parking Lot		Parcel 53-275	Parcel 53-253	37 spaces

C. Permit parking.

(1) Permit parking shall be as follows:

Location	Street Side	From	To	Remarks
Municipal Garage Water Street	All	Water Street	Ring Street	(All day parking) Permit only - 60 reserved slots
Municipal Lot Friend Street	All	Friend Street	Main Street	Resident permit 2:00 a.m. to 5:00 a.m.
Municipal Lot Friend Street	North	North entrance	Northern section	Resident permit 2:00 a.m. to 5:00 a.m.
Municipal Lot Friend Street	South	North entrance	South entrance	(All-day parking) Resident permit 2:00 a.m. to 5:00 a.m.
Municipal Lot Municipal Complex	All	Friend Street	School Street	Employee permit only 7:30 a.m. to 5:00 p.m. Monday through Friday

(2) Municipal Complex:

- (a) Eleven customer spaces: 1/2 hour parking.
- (b) No City employees to park in these spaces.
- (c) Ten reserved spaces: City Manager, Building Inspector, Health Inspector, Veterans Agent, Police Chief, Deputy Fire Chief, Council on Aging van, Judge, Superintendent of Schools and Deborah Wilkins.

D. Fifteen-minute parking spaces. Fifteen-minute parking spaces shall be as follows:

Location	Street Side	From	To	Remarks
Elm Street	North	11 Elm Street	11 Elm Street	(1 15-minute space)
Friend Street	North	15 Friend Street	15 Friend Street	(1 15-minute space)
Friend Street	North	35 Friend Street	35 Friend Street	(1 15-minute space)
Friend Street	North	53 Friend Street	53 Friend Street	(2 15-minute spaces)
Friend Street	South	36 Friend Street	36 Friend Street	(1 15-minute space)
Friend Street	South	62 Friend Street	62 Friend Street	(2 15-minute spaces)
Hanley Court	South	2 Hanley Court	103 Main Street	(1 15-minute space)
Main Street	West	25 Main Street	25 Main Street	(1 15-minute space)
Main Street	West	49 Main Street	49 Main Street	(1 15-minute space)
Market Street	West	12 Market Street	12 Market Street	(1 15-minute space)
Market Street	West	40 Market Street	40 Market Street	(1 15-minute space)
Water Street Garage	North	3 Ring Street	3 Ring Street	(2 15-minute spaces)

§ 439-87. Schedule II: Handicapped parking; bus stops; taxi stands.

A. Handicapped parking, bus stops and taxi stands shall be as follows:

Location	Street Side	From	To	Remarks
City Park	South	Park building	Friend Street	1 space
Collins Avenue	North	Madison Street	Collins Street Park	2 spaces Appr. 8/13/98
	North		Handicapped	
Friend Street	North	Number 37 Friend Street	Number 37 Friend Street	Bus stop - 2 spaces
Library	North	Rear lot	At handicapped ramp	2 spaces
Main street	West	164 feet north of	188 feet north of	1 space

Location	Street Side	From	To	Remarks
Municipal Garage Water Street				
Municipal Lot	South	Friend Street	Tennis court lot	1 space
Municipal Lot City Hall	East			1 space
Municipal Lot Friend Street	North			
Municipal Lot Friend Street	South			2 spaces
Municipal Lot Friend Street	West			1 space
Municipal Lot Main Street	South			

- B. All handicapped parking requires proper plate designation or placard in vehicle.
- C. All spaces to be marked and posted.
- D. Note: There are no designated taxi stands at the time of recodification August 1987.

§ 439-88. Schedule III: One-way streets.

One-way streets shall be as follows:

Location	Street side	From	To	Remarks
Friend Street	West	Main Street	Pond Street	Appr. 8/13/97
Lafayette Street	South	Lafayette Street	Lafayette Street	Traffic to right side of island (both directions)
Lafayette Street Extension	North	Lafayette Street	Lafayette Street	Same as above
Macy Terrace	Norths/west	Macy Street	Westminster Street	Public housing road
Main Street	East	Nason Court	Friend Street	Appr. 8/13/97
Westminster Street	South	Macy Terrace	Macy Street	

§ 439-89. Schedule IV: Stop signs.

Stop signs shall be as follows:

Location	Direction	At Intersection With	Remarks
Albion Street	Westbound	Green Street	Appr. 11/12/97
Arlington Street	Eastbound	Market Street	
Belmont Street	Eastbound	Market Street	
Boardman Street	Westbound	Market Street	
Cedar Street	Westbound	Market Street	
Chestnut Street Ext.	Westbound	County Road	Appr. 1/4/88
Clark Street	Westbound	Market Street	
Clarks Road	Southbound	Main Street	Appr. 5/27/97
Clinton Street	Eastbound	Congress Street	
Clinton Street	Westbound	Market Street	
Clinton Street Extension	Eastbound	Market Street	
Clinton Street Extension	Westbound	South Hampton Road	
Fern Avenue	Eastbound	Market Street	
Fern Avenue	Westbound	Market Street	
Fern Avenue	Westbound	South Hampton Road	
Friend Street	Eastbound	Main Street	
Green Street	Southbound	Congress Street	
High Street	Eastbound	Market Square	
High Street	Westbound	Whitehall Road	
Highland Street	Eastbound	Hillside Avenue	
Highland Street	Westbound	Friend Street	
Highland Street	Westbound	Hillside Avenue	
Industrial Way	Northbound	Monroe Street	Appr. 11/12/97
John Street	Westbound	Market Street	
Kimball Road	Eastbound	Lake Attitash Road	
Kimball Road	Westbound	Lake Attitash Road and Tuxbury Square	
Lions Mouth Road [Added 12-5-2023 by Bill No. 2023-101]	Eastbound	Kimball Road	Lions Mouth Road splits around lot 47-9
Main Street	Westbound	Friend Street	Appr. 8/12/97
Market Street	Westbound	Market Square	
Merrimac Street	Northbound	Main Street	

Location	Direction	At Intersection With	Remarks
Oakland Street	Northbound	Chestnut Street Extension	Appr. 1/4/88
Old Friend Street (Tuxbury Square)	Northbound	Lions Mouth Road	
Picard Street	Northbound	Friend Street	
Pond Street	Northbound	High Street	
Portsmouth Road	Northbound	Monroe Street	
Powow Street	Northbound	Chester Street	
Powow Street	Southbound	Chester Street	
Pleasant Street	Eastern end	School Street	Appr. 10/28/97
Prospect Street	Eastbound	Market Street	
Rocky Hill Road	Southbound	Main Street	Appr. 5/27/97
Whitehall Road	Southbound	Friend Street	
Winter Street	Southbound	High Street	

§ 439-90. Schedule V: Yield signs.

Yield signs shall be as follows:

Location	Direction	At Intersection With
South Hampton Road	Southbound	Market Street

AMESBURY CODE

Chapter 445

VENDORS, HAWKERS AND PEDDLERS

[HISTORY: Adopted by the Town of Amesbury as Art. 41 of the 1990 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Soliciting — See Ch. 360.

§ 445-1. Permit required for operation on City property; time period of event.⁷⁸

Any transient vendor, hawker, or peddler, as defined by MGL c. 101, must obtain a permit from the Amesbury Municipal Council before conducting business on property owned or otherwise controlled by the Town of Amesbury. The time period of the event will be determined by the Municipal Council.

§ 445-2. Fee.⁷⁹

The fee for the permit will be \$50 for each event the transient vendor, hawker or peddler attends. The Municipal Council may waive the fee for recognized nonprofit organizations.

§ 445-3. Number of permits.

The number of permits for an event may be limited if it is in the public interest to do so.

§ 445-4. Display of permit.

The transient vendor, hawker or peddler must display the permit when he is conducting business. No business may be conducted without the permit.

§ 445-5. Enforcement.⁸⁰

This chapter may be enforced by the Amesbury Police Department or other appointed representatives of the Municipal Council or Mayor.

§ 445-6. Use of fees.⁸¹

The Mayor, with the approval of the Municipal Council, may use funds collected from the fees to cover the costs incurred by events.

78. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

79. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

80. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

81. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

WATER AND SEWERS

Chapter 453

WATER AND SEWERS

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Water Supply Use and Sale
[Adopted 12-28-1999 by Bill No. 99-118 (Art. 33 of the 1990 Bylaws)]

§ 453-1. Water use restriction.

- A. Authority. This section is adopted by the City under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., and implements the City's authority to regulate water use pursuant to MGL c. 41, § 69B. This section also implements the City's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.
- B. Purpose. The purpose of this section is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City or by the Department of Environmental Protection.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:
- PERSON — An individual, corporation, trust, partnership or association, or other entity.
- STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the City pursuant to Subsection D of this section.⁸²
- STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, §§ 15 to 17.⁸³
- WATER USERS or WATER CONSUMERS — All public and private users of the City's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.
- D. Declaration of a state of water supply conservation. The City, through its Mayor, may declare a state of water supply conservation upon the determination and recommendation of the Director of Public Works that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water supply conservation shall be given under Subsection F of this section before it may be enforced.⁸⁴
- E. Restricted water uses. A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Subsection F.
- (1) Odd/even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
 - (2) Outdoor watering ban. Outdoor watering is prohibited.
 - (3) Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public

82. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

83. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

84. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

notice thereof.

- (4) Filling swimming pools. Filling of swimming pools is prohibited.
 - (5) Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.
 - (6) Vegetable gardening. Watering of vegetable gardens shall be permitted only between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m.
- F. Public notification of state of water supply conservation; notification of DEP. Notification of any provision, restriction, requirement or condition imposed by the City as part of a state of water supply conservation shall be published in a newspaper of general circulation within the City or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under Subsection E shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.
- G. Termination of a state of water supply conservation; notice. A state of water supply conservation may be terminated by the Mayor upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by Subsection F.
- H. State of water supply emergency; compliance with DEP orders. Upon notification of the public that a declaration of a state of water supply emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

§ 453-2. Restrictions on sale of water.

- A. The Mayor and Municipal Council must give approval prior to the sale of water from the Amesbury municipal water supply to any municipality or any public or private water company.⁸⁵
- B. Approval by the Municipal Council shall be by administrative permit. In the event of an emergency, the Municipal Council President may grant the permit pursuant to Rule 2B, Presiding Officer's Duties in General, of the Municipal Council's Rules and Procedures.

§ 453-3. Violations and penalties.⁸⁶

Any person violating this article shall be liable to the City in the amount as provided in § 1-2 of this Code, which shall inure to the City. Fines shall be recovered by or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D and Chapter 1, Article I, of this Code. Each day of violation shall constitute a separate offense.

85. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

86. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II
Pricing System
[Adopted 8-8-2000 by Bill No. 2000-145]

§ 453-4. Acceptance of statute; adoption of pricing system.

The Town of Amesbury hereby accepts the provisions of MGL c. 40, § 39J and for the purposes of water conservation, water resource management, water resource planning and comprehensive financial management adopts a pricing system which includes the costs of the provision of water and sewer services to the residents and industrial and commercial users of Amesbury receiving said services.

§ 453-5. Costs.

The definition of "costs" as used in this article shall include, but not be limited to, costs of pipe and related appurtenances, replacement stock for water and sewer, costs relating to the replacement and repair thereof, including street work, maintenance of all equipment and related appurtenances necessary for the provision of water or the removal of wastewater services, all costs relating to the metering of water, all related costs of police and fire protection, all administrative costs relating to the collection of said water and sewer fees, all costs of chemicals relating to the treatment of water and wastewater, all costs relating to the personnel of the departments, as well as any long-term planning costs for the continued provision of said services, and any costs of land acquisition relating to long-range planning and future water supply development or wastewater treatment facilities.

§ 453-6. Adjustments to rate structure; public hearing and notice.⁸⁷

Any such adjustments or changes to the rate structure shall be made only after a public hearing, which shall be held by the Mayor, Chief Financial Officer or Director of Public Works. Notice of such public hearing shall be published in at least one newspaper of general circulation in the City not less than 15 days before such hearing and otherwise as required by Open Meeting Law⁸⁸ and the Charter and laws of Amesbury. Such notice shall include a statement of the current rate structures and the proposed changes to the rate structures. Such notice may also include announcements which are inserted into billing statements, but such announcements shall be in addition to, and not as a substitute for, notice by publication and posting as provided above.

87. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

88. Editor's Note: See MGL c. 39, § 23B, Open meetings of governmental bodies.

AMESBURY CODE

Chapter 460

WETLANDS PROTECTION

[HISTORY: Adopted by the Municipal Council of the Town of Amesbury 7-8-2008 by Bill No. 2008-050. Amendments noted where applicable.]

§ 460-1. Purpose.

The purpose of this chapter is to protect and preserve the wetlands, related water resources, and adjoining land areas in Amesbury by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat, including rare plant species, agriculture, aquaculture, and recreational values, deemed important to the community (collectively, the "resource area values protected by this chapter"). This chapter is intended to utilize the home rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act, MGL c. 131, § 40, and regulations thereunder, 310 CMR 10.00.

§ 460-2. Jurisdiction.

- A. Except as permitted in writing by the Conservation Commission or as provided in this chapter, no person shall engage in the following activities: removal, filling, dredging, discharging into, building upon, or otherwise altering or degrading the wetland resource areas described in the following sentence. Amesbury's wetland resource areas consist of:
- (1) Any freshwater wetland bordering on any creek, river, stream, pond or lake;
 - (2) Any bank, beach, dune, flat, marsh, wet meadow, bog or swamp;
 - (3) Any isolated vegetated wetland;
 - (4) Any vernal pool;
 - (5) Any coastal wetland bordering on any ocean, estuary, creek, river, stream, pond or lake;
 - (6) Any one-hundred-foot buffer zone on wetland areas in Subsection A(1) to (5) listed above;
 - (7) Land under any of the wetland areas in Subsection A(1) to (5) listed above;
 - (8) Any land subject to tidal action, storm flowage, or flooding by groundwater or surface water; and
 - (9) The two-hundred-foot riverfront area.
- B. These resource areas are, collectively, the resource areas protected by this chapter.
- C. The following water bodies and contiguous two-hundred-foot zones on either side of the water body in Amesbury have been identified by the Commission as riverfront areas: Merrimack River, Powwow River, Back River, Goodwin Creek, Presbus Creek and any unnamed perennial stream as defined under 310 CMR 10.58(2), as amended.
- D. The wetland resource areas listed in Subsection A(1) to (9) above are protected in addition to the wetland resource areas under the Massachusetts Wetlands Protection Act, MGL c. 131, § 40 ("the Act"), and its accompanying regulations, 310 CMR 10.00. The Commission shall not grant such permission without receiving written notice of the intention to conduct such activity and without issuing written permission to do all in compliance with the provisions of this chapter.

§ 460-3. Exemptions and exceptions.

- A. The application and permit required by this chapter shall not be required for the following activities but shall for all others:
- (1) Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
 - (2) Work performed for normal maintenance or improvement of land which is lawfully in agricultural and aquacultural use as defined by the Massachusetts Wetlands Protection Act regulations at 310 CMR 10.04, as amended, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission. Prior to the commencement of work, written notice shall be submitted to the Commission.
 - (3) Maintenance and repair of existing public ways, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
 - (4) Emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. Other than stated in this section, the exceptions provided in the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00, shall not apply under this chapter.
 - (5) Work within an isolated vegetated wetland resource area or its buffer zone if the isolated vegetated wetland was created by the negligent acts of Amesbury or third parties other than the owner(s) of the real property on which the isolated vegetated wetland exists.
- B. Other than stated in this chapter, the exceptions provided in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00) shall not apply under this chapter.

§ 460-4. Applications to perform work and information required; consultant fees.

- A. All applications to perform activities in Amesbury's resource areas shall be either in the form of a request for determination of applicability or a notice of intent, or both. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected under this chapter. No activities shall commence without receiving and obtaining a permit issued pursuant to this chapter. The Commission, in an appropriate case, may accept as the permit application and plans under this chapter the notice of intent and plans filed under the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00. At the time of the submission of a permit application, the applicant shall pay a filing fee

specified in regulations of the Commission and in accordance with the provisions of MGL c. 40, § 22F. The fee is in addition to that required by the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10. The date which serves to commence the Commission's deliberation period is the date of receipt of the application at its offices, during regular business office hours. In order to comply with the provisions of this chapter, each application must be complete as filed and must comply with the rules set forth herein. Amesbury's Conservation Agent shall be granted the power to make determinations of completeness for applications submitted to the Commission and reject within two business days those applications that do not meet the minimum submittal requirements of this chapter. In order to provide sufficient review time, the Commission may continue a public hearing or public meeting if new information is submitted by the applicant or its representative less than seven business days prior to the scheduled public hearing or meeting.

- B. No such application shall be accepted as complete before all permits, variances, and approvals required by this chapter or ordinances of Amesbury with respect to the proposed activity, at the time of such notice, have been applied for or obtained. Such application shall also include any information submitted in connection with such permits, variances, and approvals that is necessary to describe the effect of the proposed activity on the resource areas. Notwithstanding the foregoing, and where the Board of Appeals requires the applicant to submit a permit application to the Commission, the Commission may, in its sole and absolute discretion, accept an application for a proposed development filed with the Board of Appeals pursuant to MGL c. 40B, §§ 20 to 23.
- C. Amesbury hereby accepts the provisions of MGL c. 44, § 53E for purposes of administering jointly the filing fee and the consultant fee provisions of this chapter.
- D. Pursuant to MGL c. 44, § 53G and regulations promulgated by the Conservation Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants, including engineers, wetland scientists, wildlife biologists or other experts, in order to aid in the review of proposed projects, including but not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, on-site environmental monitoring during construction, hydrogeologic and drainage analysis, and environmental or land use law. Such funds shall be deposited with the Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.
- E. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant or legal counsel hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant or legal counsel, identifying the consultant and the amount of the fee to be charged to the applicant, and request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five business days of the date of notice given without incurring any costs or expenses. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within 10 business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and the Massachusetts Department of Environmental Protection (MA DEP) of such a decision in writing. The Commission shall not issue a permit until all outstanding consulting fees have been paid for. The Commission shall return any unused portion or the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary.

- F. The applicant may appeal the selection of an outside consultant or legal counsel to the Municipal Council on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. The applicant shall make such appeal in writing, and the appeal must be received within 10 business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

§ 460-5. Notice and hearings.

- A. Combination with state law hearing. The Commission, in its discretion, may hear any oral presentation under this chapter at the same public hearing required to be held under the provisions of MGL c. 131, § 40. Notice of the time and place of such hearing(s) shall be given as required below.
- B. Notice.
- (1) Any person filing a permit application with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality. The notice to abutters shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. Mailing at least seven calendar days prior to the public hearing shall constitute as timely notice.
 - (2) The applicant shall also post a legal advertisement in the Newburyport Daily News at least seven calendar days prior to the public hearing. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address or map(s) and parcel number(s), the date, time and place of the public hearing, the subject matter of the hearing and the nature of the action or relief requested, if any.
- C. Hearing. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or request for determination unless an extension is authorized in writing by the applicant.
- D. Proof.
- (1) The applicant shall have the burden of proving by a preponderance of credible evidence that the activity proposed in the notice of intent or request for determination of applicability will not cause adverse impacts to any of the interests and values sought to be protected by this chapter. Failure to provide to the Commission adequate evidence for it to determine that the proposed activity does not cause adverse impacts shall be sufficient cause for the Commission to deny permission or to grant such permission with such conditions as it deems reasonable, necessary or desirable to carry out the purpose of this chapter or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as seem to the Commission to be reasonable.
 - (2) The Commission shall presume the buffer zones are important to the protection of other resource areas because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact to these resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operations. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater

recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within this area, unless the applicant demonstrates to the satisfaction of the Commission that the area or part of it may be disturbed without harm to the values protected by this chapter.

- (3) The Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued thereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this chapter, has proved by a preponderance of the evidence that there is no technically demonstrated feasible alternative to the project with less adverse effects and that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this chapter. The closer an activity is proposed to a resource area, the more scrutiny will be given to the potential impacts of a proposed project.
- (4) The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property used, overall project purpose (e.g., residential, institutional, commercial or industrial), logistics, existing technology, costs of the alternatives and overall project costs.
- (5) To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible, to minimize alteration, and, where alteration is unavoidable and has been minimized, to provide full mitigation to a ratio of 2:1. Specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success shall be required due to the high likelihood of failure of replication areas. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area, considering, but not limited to, such factors as proximity to other resource areas suitable for wildlife, importance of wildlife corridors in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).
- (6) The Commission shall presume that all areas meeting the definition of "vernal pools" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression. Except as otherwise provided in this chapter or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this chapter shall be as set forth in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).
- (7) The Commission shall presume that all areas meeting the definition of "vernal pools" above, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat

functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

- (8) Alteration of resource areas protected by this chapter shall not be permitted, except that the Conservation Commission is authorized to permit, in its discretion, wetland alteration necessary for water-dependent uses, public projects, or the construction and maintenance of utilities. Where such alteration is unavoidable, it shall be minimized and the Conservation Commission shall require mitigation sufficient to ensure the protection of the wetland values in this chapter. In order to promote the wetland values and interests of this chapter, no wetland alteration shall be mitigated by or compensated for in any way by the creation of a substitute or artificial freshwater wetland, coastal wetland, marsh, meadow, bog, swamp, pond or any land subject to tidal action, coastal storm flowage or flooding.
 - (9) Any activity proposed or undertaken outside of the resource areas protected by this chapter, as specified above, shall not be subject to jurisdiction of the Conservation Commission unless, in the judgment of the Conservation Commission, said activity will result or has resulted in the alteration of a resource area protected by this chapter.
 - (10) Due consideration shall be given to possible effects of the proposal on all interests and values to be protected under this chapter and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.
- E. Continuances. The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant deemed necessary by the Commission, in its discretion, or comments and recommendations of other Amesbury boards and officials, as appropriate. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.
- F. Investigations. The Commission and its agent(s) may enter upon privately owned land for the purposes of carrying out its duties under this chapter and may make or cause to be made such examination or survey as deemed necessary.

§ 460-6. Orders and decisions.

- A. All orders and decisions.
- (1) If the Commission determines that the proposed activity does not require imposition of conditions to preserve and protect the interest of this chapter, the applicant shall be so notified in writing.
 - (2) If, after the close of the public hearing, the Commission determines that the activities which are subject to the permit application are likely to have a significant or cumulative effect upon the resource area values protected by this chapter, the Commission may vote to issue written orders of conditions or determination of applicability within 21 days of the close of the public hearing. The Commission shall impose conditions, safeguards and limitations on the time and use upon such activity which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.
 - (3) The Commission is empowered to deny a permit for failure to meet the requirements of this chapter; for failure to submit the necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in

regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this chapter; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

- (4) The Commission, in an appropriate case, may combine the permit or determination issued under this chapter with the order of conditions or determination of applicability issued under the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00.

B. Duration of orders and determinations.

- (1) A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission, in its discretion, may issue a permit expiring three years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for an additional one-year period, provided that a request for renewal is received in writing by the Commission 30 days prior to expiration. The Commission may not renew a permit unless request for it is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place.
- (2) No activity governed by an order of conditions shall be performed unless and until all permits, approvals and variances required by the ordinances of Amesbury have been obtained, such order of conditions or notification shall have been recorded or registered at the Essex South District Registry of Deeds, and all applicable appeal periods have expired.

C. Modifications, amendments and revocations.

- (1) For good cause, the Commission may revoke, amend or modify a permit or determination issued under this chapter after notice to the holder of the permit or determination, notice to the public, abutters and other boards, pursuant to this chapter, and a public hearing.
- (2) In revoking an order of conditions, the Commission shall officially notify the interested parties through certified mail and hold a public hearing within 21 days of the notification date. In the case of an amendment to the order of conditions, the Commission shall have the discretion to decide if a public hearing is warranted. This decision shall be based on the potential impact of proposed work and its effect on the ability of the identified wetland resource areas to protect those interests as defined under the Act and this chapter. No public hearing is required for a modification to an order of conditions. Written notification to the applicant by certified mail is required in all cases where the Commission initiates a modification, amendment or revocation of an order of conditions.

- D. Certificate of compliance. The Commission shall, upon receiving written request and weather permitting, inspect the resource area(s) and the overall completed project for compliance with the order of conditions, and if found to be in compliance the Commission shall issue a certificate of compliance (or partial certificate of compliance) to the owner of the property, applicant or applicant's representative, in a form suitable for recording or registering. The Commission shall act to approve or disapprove a request for a certificate of compliance within 60 days of receipt thereof. By written authorization from the party requesting the certificate of compliance, said sixty-day period may be extended. If the Commission fails to approve or disapprove a request for a certificate of compliance within said sixty-day period and where said period has not been extended by written agreement, the Clerk shall issue a signed certificate, suitable for recording with the Registry of Deeds, that the

Commission has constructively approved the requested certificate of compliance by virtue of its failure to act within the required period of time.⁸⁹

- E. Responsibility for compliance. After recording the order of conditions, or issuance of a violation notice or enforcement order, any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this chapter or in violation of any order issued under this chapter shall forthwith comply with any such order or restore such land to its preexisting condition; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of the deed or the date of the death by which such real estate was acquired by such person.

§ 460-7. Rules and regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this chapter. Notice shall be given at least two weeks prior to the public hearing by publication in a newspaper of general circulation in Amesbury and by posting with Amesbury's Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.
- B. At a minimum, these regulations shall define key terms in this chapter, not inconsistent with this chapter, and procedures governing the amount and filing of fees.
- C. After due notice and public hearing, the Conservation Commission may promulgate policy guidelines in the form of additional rules, regulations and definitions consistent with the provisions and objectives of this chapter and designed to clarify and implement its purpose. Notice shall be given at least two weeks prior to such hearing by publication in a newspaper of general circulation in Amesbury and by posting with Amesbury's Clerk. The Conservation Commission, by regulation, duly advertised and heard, may set fees for services performed, subject to the provisions of MGL c. 40, § 22F. No fees shall be in excess of demonstrated true costs to Amesbury of the services performed by the Commission.

§ 460-8. Definitions.

- A. The following definitions shall apply in the interpretation and implementation of this chapter.

AGRICULTURE — Refer to the definition as provided by MGL c. 128, § 1A.

ALTER — Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- (1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- (3) Drainage or other disturbance of water level or water table.
- (4) Dumping, discharging, or filling with any material which may degrade water quality.
- (5) Placing of fill, or removal of material, which would alter elevation.

89. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) Driving of piles or erection or repair of buildings or structures of any kind.
- (7) Placing of obstructions or objects in water.
- (8) Destruction of plant life, including cutting of trees.
- (9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- (10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- (11) Application of pesticides or herbicides.
- (12) Incremental activities which have, or might have, a cumulative adverse impact on the resource areas protected by this chapter.

BANK — Includes the land area which normally abuts and confines a water body, the lower boundary being the mean annual low flow level and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

FRESHWATER WETLANDS — Includes all wetlands whether or not they border on a water body. For the purposes of this chapter, all bordering vegetated wetlands, as well as all isolated vegetated wetlands encompassing at least 500 square feet in area, shall be regulated by this chapter.

PERSON — Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Amesbury ordinances, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

POND — Follow the definition of 310 CMR 10.04, except that the size threshold of 10,000 square feet shall not apply.

RARE SPECIES — Includes, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

VERNAL POOL — Includes, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

- B. Except as otherwise provided in this chapter or in regulations of the Commission, the definitions of terms in this chapter shall be set forth in the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10.00.

§ 460-9. Security.

As part of a permit issued under this chapter, in addition to any security required by any other municipal or

state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more methods described below:

- A. By the deposit of money sufficient to complete the work as proposed, to secure performance of the conditions and observance of the safeguards of such order of conditions. Such security, if filed or deposited, shall be approved as to form and manner of execution by Amesbury's Attorney or Amesbury's Treasurer. The performance bond shall be released in whole or in part upon issuance of a certificate of compliance for work performed pursuant to the permit.⁹⁰
- B. By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 460-10. Enforcement; violations and penalties.

- A. In accordance with the provisions of MGL c. 40, §§ 21D and 31, as well as every other authority and power that may have been or may hereafter be conferred upon it, Amesbury may enforce the provisions of this chapter, restrain violations thereof and seek injunctions and judgments to secure compliance with its order of conditions.
- B. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this chapter.
- C. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land with the consent of the landowner for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary subject to the constitutions and laws of the United States and the commonwealth.
- D. The Commission shall have authority to enforce this chapter, its regulations, and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions. Any person who violates provisions of this chapter may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations or may be fined, or both. Upon request of the Commission, the Mayor and Municipal Attorney shall take legal action for enforcement under civil law.⁹¹
- E. Any person who violates any provision of this chapter, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine pursuant to MGL c. 40, § 21. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of this chapter, regulations, permits, or administrative orders violated shall constitute a separate offense.
- F. In accordance with MGL c. 40, § 21D, violators shall, at the discretion of the enforcement authorities, be charged a penalty. The penalties for violations of this chapter or regulations promulgated hereunder may be assessed as follows:

90. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

91. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Alteration of any wetland resource area identified in this chapter: \$100 per day for each violation.
 - (2) Violation of any order of condition: \$100 per day for each violation.
 - (3) Depositing any refuse, debris, yard waste or construction material in a wetland or water body: \$100 per day for each violation.
 - (4) Alteration of any stream or water body: \$100 per day for each violation.
 - (5) Any violation of any section of this chapter that occurs in the Powwow River Water Resource Protection District, as defined in Section XVI of the Amesbury Zoning Ordinance: \$100 per day for each violation.
- G. In the event of a violation of this chapter or of any order issued thereunder, the Commission or its agent may issue a stop-work order to the owner, the applicant or applicant's agent by certified mail, return receipt requested, or by posting the same in a conspicuous location on said site. Any person who shall violate the provisions of a stop-work order shall be deemed in violation of this chapter, but the failure of the Commission to issue a stop-work order for any reason shall not prevent Amesbury from pursuing any other legal remedy at law or in equity to restrain violations of this chapter or promulgated regulations and to secure compliance with its orders.

§ 460-11. Burden of proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this chapter. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§ 460-12. Appeals.

A decision of the Commission shall be reviewable by the Superior or Land Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.

§ 460-13. Relation to Wetlands Protection Act.

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the home rule statutes, independent of the Wetlands Protection Act, MGL c. 131, § 40, and regulations, 310 CMR 10, thereunder. It is the intention of this chapter that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

§ 460-14. Severability.

The invalidity of any section or provision of this chapter by a court or agency of competent jurisdiction shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously had been issued.

COMPENSATION OF MAYOR AND CITY

Chapter 461

COMPENSATION OF MAYOR AND CITY COUNCILORS

[HISTORY: Adopted by the City Council of the City of Amesbury 5-14-2019 by Bill No. 2019-020. Amendments noted where applicable.]

§ 461-1. Annual salary of Mayor.

The annual salary of the Mayor shall be \$110,000. The revised salary shall become effective as provided in the Home Rule Charter Section 2-1(c).

§ 461-2. Annual salaries of City Councilors.

The annual salary of a City Councilor shall be \$4,000; provided, however, that the annual salary of the City Council President shall be \$5,000. The revised salary shall become effective as provided in the Home Rule Charter Section 3-11, Paragraph 2.

Appendix

Chapter A500

ACTS AND GENERAL LAWS ACCEPTED BY CITY

§ A500-1. Table of Acceptances.

Acts accepted by City and provisions of General Laws in force in Amesbury by reason of acceptance of provisions or of corresponding provisions of earlier laws:

Provisions of General Laws	Subject, Form and Time of Acceptance
Chapter 39, Section 23	Town election within seven days of Town Meeting authorized. Accepted Special Meeting 6-22-1931.
Chapter 41, Section 55	Appointment of Town Accountant authorized. Accepted Annual Meeting 3-13-1913.
Chapter 41, Section 73	Establishment of Board of Survey authorized. Accepted Annual Meeting 3-7-1927. Section not in force since acceptance of Chapter 41, Section 81A. See post.
Chapter 41, Section 81A	New Planning Board established. Accepted Annual Meeting 1948, Article 16.
Chapter 41, Section 111	Vacations for employees, Section 217 of Acts of 1914. Accepted state election November 3, 1914.
Chapter 45, Sections 1 to 9	Public parks, revised lased (sic) Chapter 28, Sections 1 to 14. Accepted adjournment of 1912 Meeting held April 1, 1912. Acceptance not now required.
Chapter 48, Sections 13 and 15	Open air fires, Chapter 209 of Acts of 1908. Accepted Annual Meeting March 1, 1909. Acceptance not now required.
Chapter 48, Section 36A	Promotion of call firemen. Accepted Annual Meeting 1949, Article 31.
Chapter 48, Section 58A	Seventy-hour week for firemen. Accepted Annual Meeting 1948, Article 13.
Chapter 71, Section 21	Continuation schools. Accepted 311G of Acts of 1919 at state election held 11-4-1919.
Chapter 83, Section 12	Board of Health may require repair of private drain, Sections 1 to 41 of Chapter 49, Revised Laws. Accepted Annual Meeting 1912, Article 38.
Chapter 94, Sections 120	Maximum fee for slaughtering license. Accepted Chapter 53 of Acts of 1916 at adjournment of 1917 Annual Meeting held April 23, 1917.
Chapter 115, Section 10	Department of Veteran Services established. Accepted Chapter 723 of Acts of 1945 at Special Meeting held 11-26-1945. Acceptance not now required.
Chapter 136, Section 4B	Sunday bowling authorized. Accepted Annual Meeting 1947, Article 35.
Chapter 136, Sections 21 to 25	Sunday sports authorized. Accepted adjournment of 1932 Annual Meeting held 3-8-1932.

Provisions of General Laws

Chapter 147, Section 16C

Chapter 147, Sections 32 to 49

Chapter 149, Section 31

Chapter 152, Sections 69 to 75

Chapter 166, Section 32

Chapter 559, Acts of 1946

Chapter 588, Acts of 1948

Chapter 820, Acts of 1950

Chapter 781, Acts of 1951

Chapter 152, Sections 69

Chapter 624, Acts of 1953

Chapter 434, Acts of 1953

Chapter 41, Section 97A

Chapter 44, Section 65

Chapter 40, Section 8A

Chapter 41, Sections 69C to 69F

Chapter 6, Acts of 1953

Chapter 667, Acts of 1954

Chapter 41, Section 108A

Subject, Form and Time of Acceptance

Five-day week for police. Accepted Annual Meeting 1952, Article 40.

Boxing authorized. Accepted Annual Meeting 3-7-1927.

Eight-hour day for laborer, etc. Accepted Section 42 of Chapter 514 of Acts of 1909 as amended by Chapter 494 of 1911 and Chapter 240 of Acts of 1916 at Town election 3-8-1920.

Workmen's compensation. Accepted Chapter 807 of Acts of 1913 at Annual Meeting 3-1-1915.

Appointment of Wire Inspector. Accepted Revised Laws Chapter 122, Section 18 at adjournment of 1913 Annual Meeting held 4-21-1913.

Pension increase. Accepted Annual Meeting 1947, Article 17.

Pension increase. Accepted Annual Meeting 1949, Article 25.

Pension increase. Accepted Annual Meeting 1951, Article 19.

Pension increase. Accepted Annual Meeting 1952, Article 34.

Workmen's compensation as amended. Accepted Annual Meeting 1953, Article 24.

Pension increase. Accepted Annual Meeting 1953, Article 25.

Rent control. Accepted Special Meeting 1953, Article 1.

Police Chief authority to control property, officers. Accepted Annual Meeting 1954, Article 57.

Advanced pay. Accepted Annual Meeting 1954, Article 66.

Industrial Commission. Accepted Special Meeting 9-27-1954, Article 3.

Department of Public Works. Accepted annual election 3-14-1955, Article 2.

Limited Town Meeting. Accepted annual election 3-14-1955, Article 2.

Old age housing. Accepted Annual Meeting 3-7-1955, Article 34.

Salary administration plan. Accepted Annual Meeting 3-26-1956, Article 31.

Provisions of General Laws**Subject, Form and Time of Acceptance**

Article 22

Equalized assessment system. Accepted Annual Meeting 3-16-1955, Article 22.

Chapter 40, Section 12

Public bath houses. Accepted Annual Meeting 3-26-1956, Article 31.

Chapter 40, Sections 42A to 42F

Liens on real estate, water charge, etc. Accepted Annual Meeting 3-17-1958, Article 42.

Chapter 20, Acts of 1958

Old Corner Cemetery. Accepted Annual Meeting 3-17-1958, Article 24.

Chapter 20, Acts of 1958

Mount Prospect Cemetery. Accepted Annual Meeting 3-17-1958, Article 27.

Chapter 142

Plumbing regulations. Accepted Annual Meeting 3-16-1959, Article 17.

Chapter 139, Sections 1, 2 and 3

Removal of burnt, dilapidated or dangerous buildings. Accepted at Annual Meeting 3-15-1959, Article 56.

Chapter 25, Section 12H

Inspector of Gas Piping. Accepted Special Meeting 6-19-1961, Article 1.

Chapter 41, Sections 81Y, 81Z and 81AA

Board of Appeals. Accepted Special Meeting 6-19-1961, Article 3.

Chapter 667, Acts of 1954

Old age housing. Accepted Annual Meeting 6-19-1961, Article 6.

Chapter 32B, Section 11A

Group insurance. Accepted annual election 2-24-1964, Article 2.

Chapter 32B, Section 9A

Group insurance (retired employees). Accepted annual election 2-24-1964, Article 3.

Chapter 54, Sections 86 to 103

Absentee voting. Accepted Annual Meeting 3-16-1955, Article 26.

Chapter 56, Sections 21 and 27

Election laws. Accepted Annual Meeting 3-16-1965, Article 26.

Chapter 40, Section 8D

Historical Commission. Accepted Annual Meeting 3-22-1966, Article 67.

Chapter 149, Section 33C

Overtime. Accepted Annual Meeting 3-20-1968, Article 67.

Chapter 649, Acts of 1970

Collection of costs, dilapidated buildings. Accepted Special Meeting 11-3-1970, Article 7.

Chapter 41, Section 108L

Career incentive pay. Accepted Annual Meeting 4-6-1971, Article 32.

Chapter 41, Section 100F

Indemnify Harbormaster. Accepted Annual Meeting 3-20-1972, Article 45.

Chapter 44, Section 53C

Off-duty work details. Accepted Annual Meeting 3-19-1973, Article 44.

Provisions of General Laws

Chapter 40, Section 8C

Chapter 646, Acts of 1962

Chapter 40, Section 6H

Chapter 697, Acts of 1963

Constitutional Amendment

Public Law 560, 83rd Congress

Federal Economic Opportunity Act, 1965

Chapter 71, Section 14

Chapter 114, Section 23

Chapter 156, Acts of 1967

Chapter 40, Section 7B

Chapter 772, Acts of 1967

Chapter 43, Section 3B

General Court 1974

Chapter 40, Section 8A

Federal Register, Vol. 38, No. 135

Subject, Form and Time of Acceptance

Conservation Commission. Accepted Annual Meeting 3-19-1962, Article 53.

Increase pensions and retirement allowances. Accepted Annual Town Meeting 3-18-1963, Article 39.

Repairs on private ways used by public. Accepted Annual Town Meeting 3-18-1963, Article 74.

Historical Commission. Accepted Annual Meeting 3-15-1965, Article 56.

Home Rule Amendment to Constitution. Accepted Annual Meeting 3-15-1965, Article 20.

Housing and Home Finance Authority on Sewerage. Accepted Special Meeting 9-14-1965, Article 12.

Anti-poverty program. Accepted Annual Meeting 3-21-1966, Article 22.

Regional Vocation School District Planning Commission. Accepted Annual Meeting 3-20-1967, Article 32.

Sale of cemetery lots. Accepted Annual Meeting 3-20-1967, Article 66. Burial procedures. Accepted Annual Meeting 3-18-1968, Article 66.

Regional Vocational School District. Voted annual election 2-26-1968, Article 2.

Merrimack Valley Regional Planning District. Accepted Annual Meeting 3-18-1968, Article 46.

Industrial Financing Authority. Accepted Annual Meeting 3-18-1968, Article 53.

Board of Standards Building Code, Department of Public Safety. Accepted Special Meeting, 11-30-1970, Article 1. BOCA Building Code, One- and Two-Family Housing. Accepted Annual Meeting 3-18-1974, Articles 31 and 32.

Robert Mason under civil service. Voted annual election 2-24-1975, Article 2.

Development and Industrial Commission established as seven-member board after rescinding vote of 9-27-1954, Article 3. Accepted Special Meeting 5-13-1975, Article 15.

Supervisory position, nurse for Home Health Care Agency. Accepted Special Meeting 11-17-1975, Article 6.

Provisions of General Laws

Chapter 670, Acts of 1974

Chapter 40D

Chapter 90, Section 18A

Chapter 48, Section 45

Chapter 71, Section 71C

Chapter 83, Sections 16A to 16F

Chapter 148, Section 26C

Chapter 40, Section 4G

Chapter 90, Section 20A 1/2

Chapter 258, Section 13

Chapter 59, Section 5(17c)

Chapter 111, Section 31

Chapter 597

Chapter 161B, Section 3

Chapter 545, Section 1

Chapter 60, Section 106

Chapter 24, Acts of 1985

Public School, Improvement Act - 1985

Chapter 140, Section 147A

Chapter 640, Section 57

Chapter 73, Acts of 1986

Subject, Form and Time of Acceptance

Rights and responsibilities of public secondary school student. Accepted Annual Town Meeting 3-5-1975, Article 98.

Industrial Development Financing Authority. After rescinding vote of 3-18-1968, Article 53. Accepted Annual Meeting 3-21-1977, Article 4.

Rule regulating use of way by pedestrians (so-called jaywalking). Accepted Special Meeting 9-12-1977, Article 2.

Rescind - abolishes fire engineers, Accepted 1977, Article 87.

Continuing education. Accepted 1978, Article 24.

Tax lien - unpaid sewer charges. Accepted 1979, Article 51.

Smoke or heat detectors. Accepted 6-18-1979, Article 6.

\$4,000 bid. Accepted 8-25-1980, Article 4.

Parking tickets. Accepted 11-17-1981, Article 20.

Indemnification of officials. Accepted 1981, Article 3.

Tax exemption for elderly. Accepted 5-9-1983, Article 22.

Power lines. Accepted 6-17-1982, Article 6.

Excise exemption - POW. Accepted 6-30-1983, Article 7.

Merrimack Valley Regional Transit Authority. Accepted 11-14-1983, Article 18.

Sprinkler systems. Accepted 1984, Article 61.

Payment of certain taxes. Accepted 9-10-1984, Article 5.

Amesbury Municipal Hospital operating account. Accepted 11-19-1984, Article 21.

Accepted 8-26-1985, Article 7.

Independent dog program. Accepted 5-11-1987, Article 56.

Grant or renew license when taxes due. Accepted 11-17-1986, Article 16.

Abatements. Accepted 11-17-1986, Articles 18, 19 and 20.

Provisions of General Laws

Chapter 653, Section 40

Chapter 146, Section 26M

Chapter 291, Acts of 1990

Chapter 653, Section 41

Chapter 40, Section 8G

Chapter 148, Section 26I

Section 83 of Chapter 71, Acts of 1993

Chapter 40, Section 5G

Chapter 40, Section 8H

Chapter 30B

Chapter 40, Section 4A

Chapter 71, Acts of 1996

Chapter 40, Sections 42G, 42H, 42I, 42J and 42K

Chapter 32, Section 90A

Chapter 40, Section 21D

Chapter 32, Section 20A

Chapter 258, Section 13

Chapter 32, Section 103, as amended by Chapter 17, Acts of 1997

Chapter 41, Section 19F

Chapter 44, Section 64

Chapter 40, Section 39J

Subject, Form and Time of Acceptance

Assessment date changes, amendment to Chapter 59, Section 2A(A). Accepted 5-14-1990.

Sprinkler lodging. Accepted 11-13-1989, Article 6.

Enhanced 911. Accepted 5-13-1991, Article 28.

Quarterly tax billing. Accepted 5-13-1990, Article 18.

Mutual aid, relative to police. Accepted 11-4-1991, Article 22.

Fire insurance. Accepted Town Meeting 11-14-1994, Article 34.

Education Reform Act - teachers' retirement system. Accepted 1-31-1994, Article 5.

Waterways Improvement and Maintenance Fund. Accepted 5-8-1995, Article 26 (Gov. app. 5-10-1996).

Recycling bylaw. Accepted Town Meeting 5-10-1993, Article 32.

Curbside recycling contract. Accepted 11-8-1993, Article 21.

Agreement governing the common use of Harbormaster services.

Veterans. Accepted Municipal Council 10-22-1996.

Water betterments. Accepted Municipal Council 3-11-1997.

Increasing allowances (retirement). Accepted Municipal Council 3-11-1997.

Sanitary Code CMR 410.600, trash. Accepted Municipal Council 5-13-1997.

Civil action - indemnification. Accepted Municipal Council 5-27-1997.

Indemnity of municipal officials. Accepted Municipal Council 5-27-1997.

Accepted Municipal Council 5-12-1998.

Additional compensation, Town Clerk. Accepted 12-14-1999 by Bill No. 99-173.

Payment of bills. Accepted 3-14-2000 by Bill No. 2000-015.

Sewer/water rates. Accepted 8-8-2000 by Bill No. 2000-145.

Provisions of General Laws

Chapter 40, Section 5(54)

Chapter 155, Section 32A

Chapter 59, Section 5, Clause 17E, etc.

Chapter 59, Section 5, Clause 41D

Chapter 59, Section 5, Clauses 17E, 22 to 22E, 37A, 41D, 42 and 43 by 100%

Section 4a, 4b and 4c of the Commonwealth of Massachusetts Bill No. MA99RHB 4926

Chapter 181, Section 1 of the Acts of 1995

Chapter 59, Section 5, Clause 17E

Chapter 59, Section 5, Clause 41D

Chapter 140, Section 185I

Chapter 31, Section 60A

Chapter 59, Section 2D (rejected)

Chapter 157, Section 1 of the Acts of 2005

Chapter 157, Section 2 of the Acts of 2005

Chapter 39, Section 23D

Subject, Form and Time of Acceptance

Minimum fair cash value required for personal property accounts to be taxed \$2,000. Accepted 11-14-200 by Bill No. 2000-184. Exemption on personal property to be taxed raised to \$3,000 by Bill No. 2020-035.

Wire Inspectors to do work in Town. Accepted 6-12-2001 by Bill No. 2001-074.

Cost of living adjustment. Accepted 12-4-2001 by Bill No. 2001-155B.

Real estate tax bills issued in FY 2000 to be mailed by 1-15-2000.

Accepted 12-4-2001 by Bill No. 2001-155A (*each year).

Accepted 12-4-2001 by Bill No. 2001-155B (*each year).

Accepted 12-4-2001 by Bill No. 2001-155B (*each year).

License for telling of fortunes. Accepted 6-8-2004 by Bill No. 2004-055.

Civil service provision. Accepted 5-11-2005 by Bill No. 2005-044.

Supplemental property tax assessment. Rejected 11-8-2003.

Establishing the veteran's benefit for accidental disability retirees. Accepted 4-11-2006 by Bill No. 2006-033.

To provide retroactive benefits for retirees prior to the effective date. Accepted 4-11-2006 by Bill No. 2006-033.

To provide that a board, committee or commission member shall not be disqualified from voting solely due to the member's absence from no more than a single session of the hearings on the matter. Accepted 10-10-2006 by Bill No. 2006-089 (see Chapter 118, Article III of the Code).

Provisions of General Laws**Subject, Form and Time of Acceptance**

Chapter 59, Section 5L

Gives Massachusetts National Guardsmen and reservists deployed outside the state or their dependents up to 180 days after that service to pay their property taxes without interest or penalties. Accepted 2-13-2007 by Bill No. 2006-117.

Chapter 44, Section 53E

Administration of filing and consultant fees under Wetlands Protection Ordinance (see Chapter 460 of the Code). Accepted 7-8-2008 by Bill No. 2008-050.

Chapter 59, Section 5, Clause 56

Provides a local option personal tax exemption for Massachusetts National Guardsmen and Reservists. Accepted 4-10-2012 by Bill No. 2012-034.

Chapter 44, Section 55C

Establishes a Municipal Affordable Housing Trust Fund and establishes the Amesbury Housing Trust. Accepted 10-9-2012 by Bill No. 2012-046. Duration of Trust extended 2-9-2021 by Bill No. 2021-003.

Chapter 59, Section 5N

Authorizing Amesbury to establish a program allowing veterans to volunteer to provide services in exchange for a reduction in the real property tax obligations of that veteran on the veteran's tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled. Accepted 11-13-2012 by Bill No. 2012-088.

Chapter 64L, Section 2(a)

Establishing a special purpose stabilization fund for sidewalk reconstruction and repairs to be funded through a local option meals tax. Accepted 5-14-2013 by Bill No. 2013-025.

Chapter 55, Acts of 2017

Establishing a local sales tax upon sale or transfer of marijuana or marijuana products within the City. Accepted 3-20-2018 by Bill No. 2018-014.

Chapter 32B, Section 20, as amended by Chapter 218, Acts of 2016

Establishing an Other Post-Employment Benefits Liability Trust Fund. Accepted 1-12-2021 by Bill No. 2020-165.

Chapter 90, Section 17C

Allowing the City to reduce the posted speed limit from 30 miles per hour to 25 miles per hour on roadways in thickly settled and business districts. Accepted 5-12-2021 by Bill No. 2021-048.

Chapter 64G, Section 3D(a)

Establishing a local option community impact fee of 3% on each transfer of occupancy of professionally managed short-term rental unit. Accepted 7-13-2021 by Bill No. 2021-091.

Provisions of General Laws**Subject, Form and Time of Acceptance**

Chapter 64G, Section 3D(b)

Establishing a local option community impact fee of 3% on each transfer of occupancy of a short-term rental unit that is located in a two- or three-family dwelling that includes the operator's primary residence. Accepted 7-13-2021 by Bill No. 2021-092.

Chapter 200A, Section 9A

Providing an alternative procedure for the disposing of abandoned funds, known as "tailings," held in the custody of the City. Accepted 12-14-2021 by Bill No. 2021-149.

Chapter 41, Section 110A

Allowing any public office in the City to remain closed on any or all Saturdays as may be determined from time to time by City Council, subject to provisions of the City Charter, and the provisions of Chapter 4, Section 9, shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday. Accepted 10-25-2022 by Bill No. 2022-134.

Chapter 40, Section 5B

Allowing a city to dedicate 100% of the Local Option Meals Tax receipts received by the City to the Special Purpose Stabilization Fund for Sidewalk and Road Repairs created by Bill No. 2013-025. Accepted 12-12-2023 by Bill No. 2023-098.

Chapter 329, Acts of 1987

Allowing a city council, on the recommendation of the school committee or on recommendation of a regional district school committee, to by c. two-thirds vote increase the total amount appropriated for the support of the schools or for the regional district schools over that requested by the mayor; and provided, further, that no such increase shall be voted if it would render the total annual budget in excess of the property tax limitations set forth in section twenty-one C of chapter fifty-nine. Accepted 5-23-2023 by Bill No. 2023-051.

SPECIAL ACTS

Chapter A505

SPECIAL ACTS

§ A505-1. Sale of alcoholic beverages.

Chapter 209 of the Acts of 2008

AN ACT AUTHORIZING THE CITY KNOWN AS THE TOWN OF AMESBURY TO GRANT 2 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city known as the town of Amesbury may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises. One of the licenses shall be granted to Logan's Dad, Inc., d/b/a Roobar, located at 36 Main street, and 1 shall be granted to a commercially-zoned establishment. Once issued, the licensing authority shall not approve the transfer of the licenses to any other locations.

SECTION 2. This act shall take effect upon its passage.

Approved July 28, 2008

Chapter 435 of the Acts of 2016

AN ACT AUTHORIZING THE CITY OF AMESBURY TO ISSUE 3 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the city of Amesbury may grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority may restrict the licenses issued pursuant to this act to holders of common victualler licenses.

(c) Once issued, the licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(d) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

Approved January 13, 2017

Derivation Table

Chapter DT

DERIVATION TABLE

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1990 Bylaws have been included in the 2010 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1990 Bylaws to 2010 Code.

NCM	=	Not Code material (legislation is not general or permanent in nature).
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. II.
NI	=	Not included in Code but saved from repeal.
NLP	=	New legislation is pending.

Article/Title From 1990 Bylaws	Location in 2010 Code
Art. 1, Municipal Council Meetings	Ch. 118, Art. I
Art. 2, Town Warrant	Repealed 5-8-2007
Art. 3, Proceedings of Municipal Council	Ch. 118, Art. II
Art. 4, Town Reports	Ch. 158
Art. 5, Town Clerk	Ch. 132, Art. I
Art. 6, Rule of Unquestioned Recommendations	Ch. 20, Art. II
Art. 7, Submission of the Annual Budget, Capital Improvement Plan and Financial Forecast	Ch. 20, Art. I
Art. 8, Police	REP
Art. 9, Police Regulations	Ch. 360
Art. 10, Penalty and Enforcement Bylaw	Ch. 1, Art. I
Art. 11, Town Counsel	Ch. 132, Art. II
Art. 12, Fire Department	Ch. 285
Art. 13, Junk Collectors	Ch. 317
Art. 14, Junk Dealers	Ch. 317
Art. 15, Severability	NLP; see Ch. 1, Art. II
Art. 16, Repeal	NLP; see Ch. 1, Art. II
Art. 17, Salary Administration Plan	Repealed 11-8-1993
Art. 17, Department of Public Works	Ch. 237 (Cemeteries); Ch. 400, Art. I
Art. 18, Board of Appeals	Repealed 11-8-1993
Art. 19, Tax Collector	Ch. 132, Art. III
Art. 20, Plumbing Bylaws	Repealed 11-8-1994
Art. 21, Signs and Billboards	Ch. 381
Art. 22, Motor Vehicle Control Bylaws	Ch. 439, Art. I
Art. 23, Trailer Control Bylaw	Ch. 421
Art. 24, Earth Removal Bylaw	Ch. 260
Art. 25, Animal Control and Licensing Bylaw	Ch. 204, Art. I
Art. 26, Council on Aging	Ch. 7

Article/Title From 1990 Bylaws	Location in 2010 Code
Art. 27, Hunting Bylaw	Ch. 303
Art. 28, Motorized Vehicles	Ch. 439, Art. II
Art. 29, Motorized Boats	REP; see Ch. 326
Art. 30, Swimming Pool Fencing	Ch. 408, Art. I
Art. 31, Ratify Labor Contracts	Ch. 95
Art. 32, Civil Defense	Ch. 54
Art. 33, Water Supply Use and Sale Ordinance	Ch. 453, Art. I
Art. 34, Wetlands Protection Bylaw	Superseded 7-8-2008; see Ch. 460
Art. 35, Posting Building Numbers	Ch. 229
Art. 36, Use of Lakes, Rivers and Ponds Bylaw	Ch. 326
Art. 37, Swimming Pool Wiring	Ch. 408, Art. II
Art. 38, Installation of Electrical Services	Ch. 266
Art. 39, Regulation of Vicious Dogs	Ch. 204, Art. II
Art. 40, Building Demolition Bylaw	Ch. 225
Art. 41, Vendor Bylaw	Ch. 445
Art. 42, Denial or Revocation of Licenses	Ch. 334
Art. 43, Legislation Bylaw	Ch. 101
Art. 44, Committee Procedures Bylaw	Ch. 118, Art. III
Art. 45, Skateboard/Bicycles/Mopeds Bylaw	Ch. 219
Art. 46, Tree Ordinance	Ch. 427
Art. 47, Prohibit Nudity on Premises Where Alcoholic Beverages Are Offered for Sale	Ch. 360
Art. 48, Regulate Conduct of Public Nudity	Ch. 360
Art. 49, Erecting Fences by Property Owners	Ch. 278
Art. 50, Trash Ordinance	Ch. 392, Art. I

Disposition List

Chapter DL

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Amesbury adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion.

[Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Bill No. 2008-074A, adopted 11-18-2008.

DISPOSITION LIST

§ DL-1

§ DL-1. Disposition of legislation.

Bill No.	Adoption Date	Subject	Disposition
2010-057	7-13-2010	General provisions: adoption of Code	Ch. 1, Art. II
2010-089	11-9-2010	Intermunicipal agreement (mutual aid)	NCM
2010-102	3-8-2011	Use of proceeds from sale of surplus property	NCM
2012-034	4-10-2012	General Law acceptance	Ch. A500
2012-046	10-10-2012	General Law acceptance	Ch. A500
2012-047	6-12-2012	Intermunicipal agreement (health inspections, animal control, health nurse services)	NCM
2012-048	6-12-2012	Petition to General Court (exempt positions of Deputy Fire Chief and Assistant Fire Chief from civil service laws)	NCM
2012-088	11-13-2012	General Law acceptance	Ch. A500
2012-091	1-8-2013	Stretch Energy Code	Ch. 405
2013-004	12-13-2012	City Seal amendment	NCM
2013-025	5-14-2013	General Law acceptance	Ch. A500
2013-038	4-9-2013	Creation of Amesbury Heritage Park	NCM
2013-060	7-9-2013	Budget and finance: annual budget, capital improvement plan and financial forecast amendment	Ch. 20, Art. I
2013-111	10-8-2013	Creation of state-authorized cultural district for Upper and Lower Millyard Districts	NCM
2013-119	12-10-2013	Provision of snow and ice removal for Quimby Lane	NCM
2014-003	4-8-2014	Zoning Bylaw amendment	NCM

Bill No.	Adoption Date	Subject	Disposition
2014-059	5-13-2014	Intermunicipal agreement (veterans' services)	NCM
2014-067	6-10-2014	Solid waste: recycling	Ch. 392, Art. II
2014-074	6-10-2014	Dissolution of Energy Task Force; creation of Energy Committee	NCM
2014-081	7-8-2014	Creation of Amesbury Town Park	NCM
2014-082	7-8-2014	Creation of Collins Avenue Park	NCM
2014-097	9-16-2014	Fire prevention amendment	Ch. 285
2014-099	7-22-2014	Preservation restriction (Union Congregational Church)	NCM
2014-107	1-13-2015	Zoning Bylaw amendment	NCM
2014-113	10-14-2014	Revolving fund (Council on Aging)	NCM
2014-116	6-9-2015	Special events	Ch. 396
2014-132	12-9-2014	Board of Trustees of War Memorials	Ch. 12
2015-029	5-12-2015	Petition to General Court (regional veterans' services district)	NCM
2015-030	5-12-2015	Intermunicipal agreement (veterans' services)	NCM
2015-031	5-12-2015	Intermunicipal agreement (public health services)	NCM
2015-077	12-8-2015	Vehicles and Traffic: Traffic and Parking	Ch. 439, Part 3
2015-081	12-8-2015	Boards, Commissions and Committees: Traffic and Transportation Commission Amendment; Vehicles and Traffic: Traffic and Parking Amendment	Ch. 12, Art. II; Ch. 439, Part 3

Bill No.	Adoption Date	Subject	Disposition
2016-028	5-13-2016	Boards, Commissions and Committees: Open Space, Natural Resources, and Trails Committee	Ch. 12, Art. III
2016-040	5-10-2016	Budget and finance: annual budget, capital improvement plan and financial forecast amendment	Ch. 20, Art. I
2016-103	12-13-2016	Trees amendment	Ch. 427
2017-022	2-9-2017	Departments Amendment	NCM
2017-049	6-13-2017	Hazard Mitigation Plan	NCM
2017-072	9-12-2017	Ballot Question	NCM
2017-086	12-12-2017	Management of Stadium	NCM
2017-094	11-14-2017	Financial Policy	NCM
2017-102	12-12-2017	Acceptance of Quitclaim Deed	NCM
2017-104	12-12-2017	Acquisition of Land	NCM
2018-010	3-20-2018	Repeal of Limitation on Number of Licenses for Telling Fortunes	NCM
2018-044	6-12-2018	Dissolution of Enterprise Fund for Stadium	NCM
	1-13-2017	Special Acts Amendment	Ch. A505
2018-014	3-20-2018	Acts and General Laws Accepted by City Amendment	Ch. A500
2018-045	6-12-2018	Budget and Finance Amendment	Ch. 20

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2018-046	6-12-2018	Revolving Funds Expenditure Limits	NCM	5
2018-053	9-25-2018	South Hunt Area District Improvement Program	NCM	5

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2018-056	12-11-2018	Zoning Bylaw Amendment	NCM	5
2018-062	9-25-2018	Discharge of Mortgage	NCM	5
2018-063	10-9-2018	Approval of Amendment to Tax Increment Financing Agreement	NCM	5
2018-065	10-9-2018	Authorization to Enter Agreement	NCM	5
2018-071	11-13-2018	Grant of Easement	NCM	5
2018-074	1-8-2019	DigSafe Membership	NCM	5
2018-085	11-13-2018	Acceptance of Complete Streets Policy	NCM	5
2018-086	2-13-2019	Establishment of Woodsam Farm Park	NCM	5
2018-089	1-22-2019	Authorization to Petition General Court for Additional Alcohol Licenses	NCM	5
2019-002	2-13-2019	South Hunt Area District Improvement Program Amendment	NCM	5
2019-004	3-12-2019	Environmental Hazards: Plastic Bag Reduction	Ch. 270, Art. I	5
2019-005	3-26-2019	Zoning Bylaw Amendment	NCM	5
2019-009	3-12-2019	Acceptance of Open Space and Easement	NCM	5
2019-013	4-9-2019	Zoning Map Amendment	NCM	5

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2019-020	5-14-2019	Compensation of Mayor and City Councilors	Ch. 461	7
2019-021	5-14-2019	Authorization to Petition General Court for Additional Alcohol Licenses	NCM	5
2019-022	5-14-2019	Acquisition of Property Interests	NCM	5
2019-023	5-14-2019	Amesbury Heights District Improvement Program Amendment	NCM	5
2019-024	5-14-2019	Authorization to Enter Agreement	NCM	5
2019-025	4-23-2019	Grant of Easement	NCM	5
2019-031	6-11-2019	Cable Public Access Enterprise Fund	NCM	5
2019-038	6-11-2019	Budget and Finance: Revolving Funds Amendment	Ch. 20, Art. V	5
2019-039	6-11-2019	Revolving Funds Expenditure Limits	NCM	5
2019-042	6-25-2019	Street Acceptance	NCM	5
2019-060	9-10-2019	Approval of Street Alteration	NCM	5
2019-061	9-10-2019	Approval of Street Alteration	NCM	5
2019-062	9-10-2019	Layout of Street	NCM	5
2019-063	9-10-2019	Street Acceptance	NCM	5
2019-072	10-15-2019	Acceptance of Conservation Restriction	NCM	5

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2019-074	10-15-2019	Streets and Sidewalks: General Regulations Amendment; Vehicles and Traffic: Traffic and Parking Amendment	Ch. 400, Art. I; Ch. 439, Part 3	7
2019-086	11-26-2019	Release of Slope Easement	NCM	5
2019-087	12-10-2019	Acceptance of Shared Use Path	NCM	5
2019-088	12-10-2019	Amesbury Heights District Improvement Program Amendment	NCM	5
2020-035	3-10-2020	Increase Personal Property Tax Exemption	Ch. A500	5
2020-050	4-14-2020	2020 Rules and Procedures	NCM	5
2020-069	5-12-2020	Taxation: Real Estate Tax Reduction Program	Ch. 411, Art. I	5
2020-077	8-11-2020	Stormwater Management: Illicit Discharges and Connections to Storm Sewer System	Ch. 398, Art. I	5
2020-078	8-11-2020	Zoning Amendment	NCM	5
2020-160	12-8-2020	Personnel Policies and Procedures Amendment	NCM	5
2020-161	12-8-2020	Economic Incentives Guidelines Amendment	NCM	5
2020-165	1-12-2021	Acts and General Laws Accepted by City	Ch. A500	5

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2021-003	2-9-2021	Acts and General Laws Accepted by City Amendment	Ch. A500	5
2021-008	2-9-2021	Release of Easement	NCM	5
2021-039	3-9-2021	Disposition Committee Bylaws Amendment	NCM	5
2021-042	4-13-2021	Zoning Bylaw Amendment	NCM	6
2021-043	10-12-2021	Zoning Bylaw Amendment	NCM	6
2021-044	5-12-2021	Taxation: Means-Tested Senior Citizens Tax Exemption	Ch. 411, Art. II	6
2021-048	5-12-2021	Vehicles and Traffic: Traffic and Parking Amendment; Acts and General Laws Accepted by City	Ch. 439, Part 3; Ch. A500	7
2021-052	5-12-2021	Taxation: Senior Citizen Tax Deferrals	Ch. 411, Art. III	6
2021-061	5-12-2021	Acceptance of Historic Preservation Restriction Agreement	NCM	6
2021-062	5-12-2021	Acceptance of Historic Preservation Restriction Agreement	NCM	6
2021-063	5-12-2021	Acceptance of Public Access Easement	NCM	6
2021-065	5-12-2021	Amesbury Housing Trust	Ch. 8	6

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2021-077	6-8-2021	Transfer of City Parcels for Conservation of Open Space and Recreation	NCM	6
2021-088	7-13-2021	Federal Project Management Policy and Procedures	NCM	6
2021-091	7-13-2021	Acts and General Laws Accepted by City	Ch. A500	6
2021-092	7-13-2021	Acts and General Laws Accepted by City	Ch. A500	6
2021-093	10-12-2021	Rental Property: Short-Term Rental Licensing	Ch. 376, Art. I	6
2021-102	10-12-2021	Creation of Town Forest Conservation Area	NCM	6
2021-104	9-14-2021	Utilities: Gas Utility Installations and Maintenance Work	Ch. 433, Art. I	6
2021-105	10-12-2021	Zoning Bylaw Amendment	NCM	6
2021-107	10-19-2021	Rental Property: Means-Tested Senior Citizens Rental Assistance	Ch. 376, Art. II	6
2021-129	10-19-2021	Conservation of Quinn Farm Property	NCM	6
2021-143	11-9-2021	Solid Waste: Collection Amendment	Ch. 392, Art. I	6
2021-144	11-9-2021	Budget and Finance: Revolving Funds Amendment	Ch. 20, Art. V	6
2021-146	12-7-2021	Adopt Precinct Boundary Map	NCM	6

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2021-149	12-14-2021	Acts and General Laws Accepted by City	Ch. A500	7
2022-023	3-8-2022	Zoning Bylaw Amendment	NCM	7
2022-036	5-10-2022	City Council Rules of Procedure	NCM	7
2022-040	5-10-2022	Officers and Employees: City Clerk/Clerk to the Municipal Council Amendment	Ch. 132, Art. I	7
2022-041	5-10-2022	Fire Prevention Amendment	Ch. 285	7
2022-059	9-28-2022	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Part 3	7
2022-081	6-28-2022	Budget and Finance: Revolving Funds Amendment	Ch. 20, Art. V	7
2022-086	11-22-2022	Zoning Bylaw Amendment	NCM	7
2022-110	10-4-2022	Streets and Sidewalks: General Regulations Amendment	Ch. 400, Art. I	7
2022-130	10-25-2022	Reports Amendment	Ch. 158	7
2022-131	11-15-2022	Meetings Amendment	Ch. 118	7
2022-134	10-25-2022	Acts and General Laws Accepted by City	Ch. A500	7
2022-181	4-25-2023	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2023-05	9-26-2023	Zoning Bylaw Amendment	NCM	8
2023-029	10-24-2023	Marijuana: Public Consumption	Ch. 350, Art. I	8

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2023-038	5-23-2023	Licenses and Permits Amendment	Ch. 334	8
2023-049	6-27-2023	Officers and Employees: City Clerk/Clerk to the Municipal Council Amendment	Ch. 132, Art. I	8
2023-084	9-26-2023	Licenses and Permits Amendment	Ch. 334	8
2023-097	12-12-2023	Zoning Bylaw Amendment	NCM	8
2023-098	12-12-2023	Acts and General Laws Accepted by City	Ch. A500	8
2023-099	12-12-2023	Boards, Commissions and Committees: Open Space, Natural Resources, and Trails Committee	Ch. 12, Art. III	8
2023-100	12-5-2023	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	8
2023-101	12-5-2023	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	8
2023-110	12-26-2023	Easement	NCM	8
2023-111	12-26-2023	Street Acceptance	NCM	8
2023-129	12-26-2023	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	8
2023-051	5-23-2023	Acts and General Laws Accepted by City	Ch. A500	9
2024-032	12-10-2024	Licenses and Permits Amendment	Ch. 334	9

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2024-055	5-14-2024	Retirement Board Member Stipend	NCM	9
2024-057	5-28-2024	Petition to General Court (exempt position of Deputy Police Chief from the provisions of Chapter 31 of the General Laws)	NCM	9
2024-065	6-25-2024	Zoning Map Amendment	NCM	9
2024-083	7-23-2024	Boards, Commissions and Committees: Community Preservation Committee	Ch. 12, Art. IV	9
2024-085	9-24-2024	Zoning Bylaw Amendment	NCM	9
2024-086	9-24-2024	Zoning Bylaw Amendment	NCM	9
2024-087	9-24-2024	Zoning Bylaw Amendment	NCM	9
2024-098	10-8-2024	Zoning Bylaw Amendment	NCM	9
2024-099	12-10-2024	Zoning Bylaw Amendment	NCM	9
2024-109	9-24-2024	Boards, Commissions and Committees: Community Preservation Committee Amendment	Ch. 12, Art. IV	9
2024-112	9-24-2024	Fire Prevention Amendment	Ch. 285	9
2024-114	9-24-2024	Animals: Licensing and Control Amendment; Dangerous Dogs Amendment	Ch. 204, Art. I; Ch. 204, Art. II	9

Bill No.	Adoption Date	Subject	Disposition	Supp. No.
2024-119	1-28-2025	Energy Committee By-Laws Amendment	NCM	9
2024-140	11-26-2024	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2024-141	11-26-2024	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2024-142	11-26-2024	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2024-143	11-26-2024	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2024-148	11-26-2024	Vehicles and Traffic: Traffic and Parking Amendment	Ch. 439, Pt. 3	9
2024-163	1-28-2025	Special Events Amendment	Ch. 396	9